Approved for Release: 2018/10/01 C02604801

FEATURES

"Focus on Terrorism," ORBIS, Vol. XIX, No. 4 (Winter 1976 edition); five articles

The attached series of articles examines different aspects of terrorism, including: responses to terrorism by individual governments, at the UN and through the processes of international law; the effect of political violence on the quality of life in the non-communist world, where it has curtailed certain freedoms heretofore taken for granted; the problems of controlling terrorism, including the role of the news media; the special problems of situations involving hostages and an examination of the U.S. role in countering the terrorist campaign against civil aviation.

The articles not only provide considerable factual information on the nature and development of international terrorism, but also analyze the motives underlying terrorist actions and the responses to these actions. They also offer thoughtful suggestions, some of which are adaptable for covert action treatment, for dealing with the many facets of this problem. This series should be useful for briefings, discussions, etc., depending on local circumstances, as well as for stations' own reference purposes.

This issuance contains articles from domestic and foreign publications selected for field operational use. Recipients are cautioned that most of this material is copyrighted. For republication in areas where copyright infringement may cause problems payment of copyright fees not to exceed $50.00 is authorized per previous instructions. The attachment is unclassified when detached.

26 Aug 76

E-2, IMPDET CL. BY: 011078

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

ORBIS, a journal of world affairs
published by the
Foreign Policy Research Institute
in association with
The Fletcher School of Law and Diplomacy, Tufts University

EDITOR: William R. Kintner
MANAGING EDITORS: Richard E. Bissell, Nils H. Wessell
ASSISTANT MANAGING EDITOR: Charles B. Purrenhage
ASSISTANT EDITOR: Margaret M. Capotrio
CIRCULATION MANAGER: Pat Loring
ADVERTISING MANAGER: Charles B. Purrenhage

EDITOR EMERITUS: Robert Strausz-Hupé

EDITORIAL BOARD: Inis L. Claude, Jr., Alvin J. Cottrell, William E. Griffith, Don D. Humphrey, J. C. Hurewitz, David C. Jordan, Morton A. Kaplan, Geoffrey Kemp, Norman D. Palmer, Stefan T. Possony, Uri Ra'anan, Alvin Z. Rubinstein, Robert A. Scalapino, W. Scott Thompson, Frank N. Trager, William R. Van Cleave, Richard L. Walker, Arthur P. Whitaker.

EDITORIAL ADVISORY BOARD: Loren C. Eiseley, Lawrence B. Krause, Covey T. Oliver, Sidney L. Ploss, Froelich G. Rainey, J. K. Zawodny.

EDITORIAL RESEARCH STAFF: Adam M. Garfinkle, Dan Haendel, Christopher M. Lehman, Robert G. Meadow, Michael L. Moodie, William Perry, Robert F. Rogers, Alan N. Sabrosky, Harvey Sicherman, Gerald T. West.

The Editors welcome articles that examine problems in international relations. Articles should be submitted in the original, accompanied by a self-addressed, stamped envelope if the author desires to have his manuscript returned. Articles should conform to ORBIS style and format; text and footnotes should be double-spaced, and the latter placed at the end of the article. Address editorial communications and manuscripts to the Managing Editors.

Books, monographs and pamphlets for review or listing should be sent to the Managing Editors. Address correspondence relating to subscriptions and bulk orders to the Circulation Manager.

The opinions expressed in articles and reviews in this journal are those of the contributors and should not be construed as representing those of the Foreign Policy Research Institute, the Fletcher School of Law and Diplomacy, or the Editors of ORBIS.

Copyright © 1976 by the Foreign Policy Research Institute, a Delaware nonprofit corporation.

ORBIS is published four times a year, May, August, November, and February by the Foreign Policy Research Institute. Editorial and business address: 3508 Market Street, Suite 350, Philadelphia, Pennsylvania 19104. The Fletcher School of Law and Diplomacy, Tufts University, is located in Medford, Massachusetts 02155. Subscription rates: one year, $10.00; two years, $18.00; three years, $25.00. (Plus $1.00 per year, overseas.) Single copy, $3.00. Student rates: $7.50, $13.00, $18.00; single copy, $2.00. Second-class postage paid at Philadelphia, Pa., and at additional mailing offices.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

THE POLITICS OF INTERNATIONAL TERRORISM

by Andrew J. Pierre

INTERNATIONAL terrorism is a new, growing and increasingly important phenomenon in present-day world politics. Hardly a week now goes by without the hijacking of an airplane across national boundaries, or the kidnaping of a diplomat or foreign businessman, or some other violent incident in the name of a political cause.

Lydda Airport, outside Tel Aviv, May 30, 1972: A group of Japanese terrorist belonging to the Rengo Sekigun, or Red Army, stepped off a plane and indiscriminately killed twenty-seven people, most of whom were Puerto Ricans commencing a Holy Land pilgrimage. First contacted by the Popular Front for the Liberation of Palestine in North Korea, the Japanese had been flown from Tokyo to Lebanon for several months' training in guerrilla camps, and were then sent to Paris, Frankfurt and Rome to await their mission. They were equipped with Czechoslovakian automatic weapons acquired in Italy but financed with Libyan money.

Munich, the Olympic games, September 5, 1972: Members of the Black September organization attacked the quarters of Israeli athletes, resulting in the death of eleven, some as they were to be flown out as hostages.

Campana, Argentina, December 6, 1973: A Marxist guerrilla group known as the People's Revolutionary Army kidnaped the American manager of an Exxon refinery, releasing him four months later for a ransom of $14.2 million in cash purportedly to be distributed to the poor for food, clothing and medicine.

Amsterdam, July 24, 1974: A Japanese jumbo jet en route to Tokyo was hijacked by Palestinian terrorists and blown up in Tripoli, Libya.

Dubai, November 21, 1974: A British Airways VC-10, on a stopover between Brunei and London, was hijacked by the Matyr Abou Mahmoud squad, a Palestinian splinter group opposed to Yasir Arafat. After asking for the release of jailed terrorists in the Netherlands and Egypt, and killing one German passenger, the hijackers and some released terrorists surrendered to authorities in Tunis and were subsequently turned over to the PLO.

Cordoba, Argentina, February 28, 1975: The U.S. consular agent, John Patrick Egan, was shot to death by leftist Montoneros guerrillas in an abortive plot to force the release of imprisoned colleagues.

Kuala Lumpur, August 4, 1975: Five Japanese Red Army terrorists shot their way into the American Embassy and seized fifty-three hostages. The incident was terminated three days later after another five terrorists were released from jail in Japan and all made their way by air to asylum in Libya.

These examples are only some of the better known among hundreds of such incidents. To give an approximate idea of the growth of international terrorism, in the twenty years before 1969 there was an average of five hijackings per year; in the early 1970s the average was over sixty annually. The past six years have witnessed more than 500 major acts of international terrorism including over sixty-five kidnapings with international ramifications.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

There is nothing new about terrorism per se. The term first came into modern usage during the Reign of Terror in revolutionary France. It commonly refers to the threat of violence and the use of fear to coerce, persuade or gain public attention. Terror has been used by ideologies of both the Right and the Left, by the former to repress a population and by the latter to win self-determination and independence. Terror has been used by governments as an instrument of state as well as by guerrillas or insurgents as an instrument of subversion.[1]

The concept of *international* terrorism is more difficult to endow with a universally accepted definition. In this analysis it will refer to acts of violence across national boundaries, or with clear international repercussions, often within the territory or involving the citizens of a third party to a dispute. Thus it is to be distingushed from *domestic* terrorism of the sort that has taken place in Ulster, the Soviet Union or South Africa. Admittedly, the line is often thin between terror which is essentially domestic and that possessing a clear international character.

International terrorism is usually, though not exclusively, political in intent and carried out by nongovernmental groups, although they may receive financial and moral support from nation-states. Many of the Palestinian Liberation Organization (PLO) terrorist activities have taken place outside the boundaries of Israel, have been financed or abetted by some Arab states, and have affected nationals of third countries. Most of the victims have been innocent bystanders, such as the American tourists machine-gunned in the waiting room of Athens airport. (The terrorists thought the tourists were bound for Israel, although in fact they were about to board a plane to New York.) Targets are often selected because of their connection to a foreign state, i.e., diplomats and foreign businessmen, or because they have become symbols of international interdependence, such as airlines with overseas routes or multinational corporations.

Due to its international character, this form of terrorism is of particular concern to the world community. Repressive or violent activities totally within national boundaries may be of real and valid concern, but they are obviously less amenable to pressure and change through international action by means of diplomacy or law. Moreover, the motivations of international terrorists are often related to the world community and public opinion abroad. The attacks upon Maalot and other towns in northern Israel in 1974 were designed, by the admission of the Al Fatah, to gain the Palestinians a place at any forthcoming Geneva negotiations on the Middle East.

It is unlikely that international terrorism is a passing and transitory phenomenon. The trend toward the weakening of central authority in governments, the rise in ethnic and subnational sentiments, and the increasing fractionalization of the global political process point toward its growth as a form of political protest and

[1] The best theoretical work on terrorism remains E. V. Walter, *Terror and Resistance: A Study of Political Violence* (New York: Oxford University Press, 1969). Most other studies only touch on terrorism in the context of internal conflict or guerrilla war. See, for example, J. Bowyer Bell, *The Myth of the Guerrilla* (New York: Alfred Knopf, 1971); Robert Moss, *The War for the Cities* (New York: Coward, McCann and Geoghegan, 1972); Harry Eckstein, *Internal War* (New York: Free Press, 1964). "State terrorism" is discussed in Barrington Moore, Jr., *Terror and Progress in the U.S.S.R.* (Cambridge, Mass.: Harvard University Press, 1954). For two recent studies, see Richard Clutterbuck, *Living with Terrorism* (London: Faber and Faber, 1975) and Brian Jenkins, *International Terrorism: A New Mode of Conflict* (Los Angeles, Calif.: California Seminar on Arms Control and Foreign Policy, Research Paper No. 48, 1975).

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

persuasion. Classic balance of power diplomacy is of little utility in dealing with it, for violent acts of small groups of people, or individuals, are difficult for governments to control. International terrorism is likely to continue and to expand because in the minds of many of its perpetrators it has proven to be "successful."

Technological change and growth account for much of the new strength and disruptive capacity of terrorist groups. Television gives the terrorist instant access to the world's living rooms, thereby enabling him to draw global attention to his cause. The mobility offered by the modern jet aircraft allows him to strike at will almost anywhere in the world and then move on to safe asylum. Hence, advances in technology have made it possible for a large society to be directly affected by a small band of terrorists.

Yet the increasing frequency of international terrorism is only beginning to be understood and has thus far received relatively little sustained, analytic attention. We are at the rudimentary stages of learning to cope with it. In this article we will examine the response to international terrorism as it has evolved in the practice of governments, at the United Nations where it has been identified as a major item of international concern, and through the processes of international law. Policy suggestions will be made for the future. But first, in order to understand him better, we must look at what it is that moves and motivates the terrorist.

One Man's Terrorist is Another Man's "Freedom Fighter"

There is no simple explanation for the causes of international terrorism, nor is there common agreement on its purposes and ends. Perceptions about the legitimacy of the means vary dramatically. What to one man is an outrageous act of lawlessness and immorality — e.g., the shooting of innocent passengers on a hijacked Pan American plane in Rome, the assassination of the German ambassador in Guatemala, or the murder of apartment dwellers at Qiryat Shemona — appears to another as an unfortunate but necessary step toward achieving a political goal rooted in existing or perceived injustice and deprivation. As we will see later, these differing perceptions have been transformed into the diverging attitudes of governments at the United Nations and elsewhere.

Motivations for international terrorism vary from case to case and are often complex, but their roots can be discerned in one or more of the following profiles:

(1) The terrorist is dedicated to a political goal which he sees as one of transcendent merit. The aim of the *fedayeen* (Arabic for "self-sacrificers") has been to gain political salience for the Palestinian cause. By making their goal appear viable to the Arab world, they have received financial and political assistance from Moslem states that support, or feel compelled to support, their cause. The Tupamaros in Uruguay and the People's Revolutionary Army (ERP) in Argentina have sought popular support through the widespread use of terrorist tactics that induce the government to react harshly and therefore appear oppressive in its response.[2]

(2) The terrorist seeks attention and publicity for his cause. The world becomes his stage as contemporary media enable him to

[2] See Maria Esther Gilio, *The Tupamaro Guerrillas* (New York: Saturday Review Press, 1972); Jack Davis, *Political Violence in Latin America* (London: International Institute for Strategic Studies, Adelphi Paper No. 85, 1972); Robert Moss, *Urban Guerrilla Warfare* (London: International Institute for Strategic Studies, Adelphi Paper No. 79, 1971).

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

dramatize his goals effectively and attempt to win over public opinion. A display of determination and devotion to the cause focuses world attention upon it and may induce sympathy. In an age seemingly lacking in heroics, a cause for which an individual is prepared to sacrifice his life appears to some as worthy of support. Without the flamboyant terrorist acts of recent years the Palestinian issue would probably have remained relatively neglected and would be ranked lower on the international agenda than it is today. In this sense the PLO has achieved considerable success.

(3) The terrorist aims to erode support for the established political leadership or to undermine the authority of the state by destroying normality, creating uncertainty, polarizing a country, fostering economic discord and generally weakening the fabric of society. Attacks on foreign business firms, such as multinational corporations and their executives in Latin America, have forced them to reduce or close down their operations, as in the case of IBM and the Ford Motor Company, thereby creating unemployment and fanning discontent among the population that can be channeled into activities against the government. Attacks on civil aircraft and in the lounges of airports have sought to reduce air travel and tourism to Israel through psychological disruption and the spread of fear. Sometimes the intent is to provoke a government to ill-judged measures of repression that will alienate public opinion.

(4) The terrorist's actions can be a measure of deep frustration when there is no legitimate way to redress grievances. It may be an act of desperation when a political impasse has been reached. As such, terrorism can be a sign of fundamental weakness as well as of momentary strength. Zeal and determination often compensate for an inherent position of weakness, for not having full backing for one's political aims. At the same time terrorism can be perceived as a patriotic deed. Palestinian perpetrators of terrorism — those who survive — return home as heroes to their people.

(5) The terrorist may seek to liberate his colleagues in foreign jails. Aircraft hijacking appears to be an especially popular way of securing the release of prisoners. In September 1972 three members of the Ustashi, a Croatian terrorist organization, by hijacking an SAS airliner forced the Swedish government to release from prison six Croats who had been convicted in the murder of the Yugoslav ambassador in Stockholm. The next month, a Lufthansa flight from Beirut to Ankara was hijacked to Zagreb and the plane released only after Arab terrorists in West German prisons had been set free.

(6) Finally, the terrorist may desire money so as to buy arms and finance his organization. Some claim that they want to distribute food and shelter to the poor and needy. The kidnaping of foreign executives for ransom has become endemic in Latin America in recent times. Because corporations are willing, if forced, to pay substantial amounts to secure the release of their executives or avoid the sabotage of their plants, terrorism can be lucrative. Such companies as Amoco, Peugeot and Pepsico are reported to have paid large ransoms to terrorists in Argentina. Some demands are for perceived just causes, while some, as in Mexico, can take on the form of banditry. Sometimes appearance is deceptive: at the Bank

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

of America in Beirut a representative of Douglas Aircraft was shot by ordinary bank robbers posing as *fedayeen*.[3]

Modern society has become highly vulnerable to the terrorist deed. The crowded environment of the urban metropolis presents a "soft" target. Mass disruption of ordinary activities could be readily achieved through tampering with the electrical grid system, or by poisoning or polluting a city's water supply. In case of a more limited aim, the new sealed-window office building is subject to chemical and biological contamination through the air ventilation system. Poisonous powder on subway tracks can spread noxious germs throughout parts of a city. Such activities could be highly successful in generating mass fear and social disintegration.

Technology is making efficient tools available to terrorists. Ingenious timing and detonating devices are increasing the capacity for selective violence. Particularly worrisome is the prospect of civilian airliners being shot at by portable hand-held surface-to-air missiles as they land at or take off from airports. In January 1975, Arab terrorists with bazookas attempted to destroy El-Al airliners while on the runway at Orly field in Paris. Heathrow Airport in London was twice surrounded last year by tanks and troops following reports that Arab terrorists planned to use Soviet-made SAM-7 missiles to bring down an aircraft. These missiles, which are only fifty-four inches long and can be dismantled and packed in a small suitcase, had reportedly been smuggled into Brussels from Libya; some were also found in an Arab apartment just three miles from Rome's Leonardo da Vinci Airport. Another danger is terror by mail — on one occasion the secretary of the defense attaché at the British Embassy in Washington was maimed by a letter-bomb.

The risk of nuclear materials being stolen and used by terrorist groups is also to be taken seriously. The growth in use of nuclear reactors to generate electrical power will yield large amounts of fissionable materials in the form of plutonium that can be used to manufacture nuclear explosives or weapons with relative ease. Should terrorists succeed in diverting such materials to their purposes, not to speak of the real possibility of stealing nuclear weapons, they would acquire fearsome means with which to threaten communities and governments.[4]

Clearly, the vulnerability and fragility of contemporary society, in combination with the availability of sophisticated technology, increases the potential for disruptive activites. Moreover, modern communcation aids the terrorist in his search for publicity by making possible detailed, on-the-spot coverage of his acts even when they occur in remote parts of the world. His ability to count on the media to dramatize and instantaneously inform the world of his activities — and thereby his cause — should not be underrated as a stimulus and an incentive.

Coping with International Terrorism

Dealing with terrorism has become a problem of some magnitude and urgency, and is increasingly recognized as a challenge to the community of nations. Yet the political dynamics of international terrorism make coping with it an extremely difficult and

[3] Fascinating insights into the terrorist's frame of mind are to be found in a "minimanual" written by Carlos Marighella, a Brazilian terrorist, five months before he was killed in an ambush. For extracts see *Survival*, March 1971, pp. 95-100.

[4] For the best exposition of this problem, see Mason Willrich and Theodore B. Taylor, *Nuclear Theft: Risks and Safeguards* (Cambridge, Mass.: Ballinger Press, 1974).

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

subtle task. The need will not be limited to responding to terrorism or deterring it with the threat of punishment. Of equal importance — some would argue, far greater — is the need to prevent it by treating its underlying root causes.

This is the clear lesson of the debate on terrorism in the United Nations. Following the tragedy at the Munich Olympics, Secretary-General Kurt Waldheim asked the Twenty-seventh General Assembly to consider "measures to prevent international terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms." The Assembly agreed to his request, but amended it to include "the study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes."

Debate in the Sixth Committee of the General Assembly and in a specially appointed thirty-five-state Ad Hoc Committee on International Terrorism brought out wide divergencies in perceptions of the problem. The principal interest of many of the developing countries was to avoid anything that could be used to suppress, or deny the legitimacy of, national liberation movements. Because many member-states had themselves been born out of rebellion and revolution, it was argued that condemnation of others who might be following similar courses, e.g., Palestinians, would be wrong and incongruous. This view was widely shared by African and Arab as well as many Asian countries. Some insisted that any consideration of international terrorism must begin with the condemnation of "state terrorism" as practiced by governments. Thus the Syrian Arab Republic said it was convinced "that the main cause of violence is the colonialist and imperialist policies and practices, as well as the crimes, of racist regimes against peoples."[5]

The principal proposal placed before the United Nations has been an American draft of a "Convention for the Prevention and Punishment of Certain Acts of International Terrorism." Wisely, the convention is narrowly drawn and does not attempt to deal with all acts of terrorism. In no way does it cover domestic terrorism designed to alter the political order within a single country. Rather, it focuses on the "export" of violence to third countries and innocent parties, undertaken by persons who kill, seriously assault or kidnap other persons in such a manner as to commit an offense of "international significance." According to Article I, it would be limited to acts in which each of four separate conditions apply: The act is committed or takes effect outside the territory of a state of which the alleged offender is a national; is committed or takes effect outside the territory of the state against which the act is directed; is committed neither by nor against a member of the armed forces of a state in the course of military activities; and is intended to damage the interest of or obtain concessions from a state or an international organization.[6] It would therefore not apply to acts of terrorism committed by a "freedom fighter" struggling within his country in a war of national liberation, but would

[5] United Nations General Assembly, 27th Session, Ad Hoc Committee on International Terrorism, A/AC. 160/2, p. 16.

[6] United Nations General Assembly, 27th Session, Sixth Committee, A/C.6/L., p. 850.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

be pertinent to most of the major international terrorist incidents of recent times.

Despite its limited approach, the convention failed to receive general support at the United Nations. The more radical view, most often espoused by African and Arab governments, held that terrorism was part of the struggle for national liberation and the right of self-determination, and therefore should not be considered an international offense. This argument was also made by Yasir Arafat in his speech at the UN when he equated his struggle with that of George Washington against the British colonialists. Moderate countries acknowledged the need to address the problem but emphasized the necessity to deal with long-term solutions and the grievances that lead to terrorism. Even West European governments were reluctant to take action. Debate within the United Nations has thus far led to no productive results. Experience suggests that while the majority of countries in the world body acknowledge the danger spreading terrorism poses for international order, the politics of international terrorism are such that many countries are still more willing to condone than to condemn it.

Skyjacking

It may be that progress can be more readily made in coping with specific types of international terrorism, such as aerial piracy or the kidnaping of diplomats. The case of aircraft hijacking is instructive, for within the past year incidents have decreased considerably as a result of security measures taken unilaterally by a number of countries, as well as a bilateral agreement between Cuba and the United States. Progress achieved in this way, however, has been outside of efforts to deal with terrorism on a worldwide level.

The rash of skyjacking that began in 1968 produced two conventions on this aspect of terrorism: the Hague convention of 1970 for the Suppression of Unlawful Seizure of Aircraft[7] and the Montreal convention of 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.[8] Both are concerned with aerial piracy, the former requiring that countries either extradite or prosecute hijackers; the latter requiring that any kind of sabotage of aircraft, such as blowing up planes on the ground, also be dealt with by prosecution or extradition. An earlier accord, the Tokyo convention of 1963,[9] requires countries to return a plane and its passengers after it has been hijacked.

These conventions have proven to be weak legal instruments, and a considerable number of states have not signed them. Some of the nonsignatories provide safe haven for hijackers. The existence of sanctuaries, or "hijack havens," primarily in the Middle East, encourages political terrorists to assume — usually correctly — that they can escape punishment.[10]

Accordingly, Canada and the United States have urged the 128-country International Civil Aviation Organization (ICAO) to adopt sanctions against states that grant asylum to hijackers or fail to penalize them. At a meeting of the ICAO held in Rome late in

[7] U.S. Department of State, *United States Treaties and Other International Agreements*, Vol. 22, Part 2, 1971, pp. 1641-1684.
[8] *Ibid.*, Vol. 24, Part 1, 1973, pp. 565-602.
[9] *Ibid.*, Vol. 20, Part 3, 1969, pp. 2941-2958.
[10] Interestingly, the Soviet Union, which has its own hijacking problem, has signed the above conventions and generally endorses Western attempts to tighten international laws dealing with aerial piracy. See Y. Kolosov, "Legal Questions of the Security of Civil Aviation," *International Affairs* (Moscow), April 1974, pp. 42-46.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

1973 for the purpose of protecting international civil aviation and strengthening existing conventions, special attention was given to hijacking; yet, while various proposals were made to curb aerial terrorism, the conference terminated in stalemate. As in the case of the UN deliberations on international terrorism, hijacking was seen as more of a political than a criminal act. The Arab-Israeli dispute unfortunately overshadowed the conference, which convened shortly after Israel intercepted a Lebanese commercial airliner outside Beirut and forced it to land in Israel; the Israeli action was condemned by the ICAO. In its dismay at the failure of the ICAO conference, the International Association of Airline Pilots threatened a pilot boycott of its own on nations tolerating hijackers. At its annual conference in March 1975 in Vienna it called for the adoption of a "no sanctuary" policy so that hijackers would know that they would be arrested, tried in court, and punished wherever they went.

A large proportion of the American aircraft that have been successfully hijacked since the mid-1960s have been taken to Havana. This recourse has now been effectively eliminated by an agreement reached between Cuba and the United States through the good offices of Switzerland. The reception a hijacker can now expect will be less hospitable, the Castro Government having agreed that such persons will be either extradited or prosecuted. Presumably Fidel Castro became tired of serving as host to ordinary criminals and psychopaths acting without political commitment. A little noticed exception, however, provides for "persons . . . being sought for strictly political reasons . . . in real or imminent danger of death without a viable alternative for leaving the country."[11] Another set of measures that has reduced hijacking in the United States and some other countries has been the screening of passengers and luggage for hand weapons, and additional airport security programs.

Kidnaping

Another form of international terrorism that has grown dramatically has been the kidnaping of diplomats. Officials representing their governments abroad become elite targets. Host governments feel a special obligation toward their well-being, an obligation firmly rooted in diplomatic custom and international law. Terrorist groups are therefore effectively able to use diplomats as hostages in seeking the release of jailed colleagues, or in publicizing their domestic political struggle around the world. A kidnaping may give a small group leverage with a government out of all proportion to its true significance.

The first important diplomatic kidnaping in the present era was that of C. Burke Elbrick, the U.S. ambassador to Brazil, in 1969. He was released in exchange for fifteen political prisoners who were flown to Mexico and subsequently made their way to Cuba. Since then there have been several dozen diplomatic kidnapings, usually of West European (Germans and Britons are particularly in demand) or American officials, almost all in Latin America, and especially in Brazil, Argentina, Uruguay and Guatemala; some have ended in assassination. In the past decade thirteen American diplomats have been assassinated; twelve have been wounded; twenty others have been kidnaped and later released. Particularly striking was the kidnaping and death in 1973 of the American ambassador to the Sudan, his deputy and a Belgian diplomat at

[11] *Department of State Bulletin*, March 5, 1973, pp. 260-262.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

the hands of Black September terrorists following their demand for the release of Arab guerrillas held in Jordan and Israel, the freeing of Robert Kennedy's assassin, Sirhan Sirhan, and the liberation of members of the Baader-Meinhof gang in jail in West Germany.

As it became evident that Latin America was specially susceptible to this type of international terrorism, the Organization of American States in 1971 drafted a convention for the protection of diplomats. The desire to give it universal application subsequently led the United Nations International Law Commission to suggest a similar convention, which was adopted in amended form by the General Assembly in December 1973. Under its provision, the kidnaping, murder or attack of diplomats and other "internationally protected persons" is to result in either extradition or prosecution of the offender.[12] This convention is now open for signature and is without doubt a forward step. The limits of its usefulness in helping to resolve the entire problem of terrorist kidnaping and assault are evident, however, when one considers that the majority of such incidents occur not to diplomats but to businessmen. Beyond common-sense precautionary measures, no effective way has been found to prevent the kidnaping of businessmen.

What is to be Done?

The remedies for international terrorism sought at the United Nations and through international legal conventions, though commendable, are of only limited utility. The problem is not so much one of law as one of politics. The evidence suggests that there are a substantial number of states, or groups within them, that view terrorism as an acceptable answer to perceived oppression — or feel politically restrained from saying otherwise — and are therefore prepared to condone it. Because international terrorism is a form of political violence and ultimately requires political solutions, an effective response must come to terms with its political dimensions. Steps for coping with terrorism will therefore need to include both *measures of prevention* and *measures of deterrence.* Only through a combination of the two, consciously pursued in parallel, can we hope to reduce and eventually eliminate this spreading epidemic.

Prevention would require giving more attention than we now do to economic, social and political grievances and sources of frustration. Individuals are more likely to turn to violence if they lose hope, if life seems not worth living, and if the "system" appears to be unresponsive to legitimate protest. Prevention would attempt to eradicate the conditions that spawn terrorism by looking for long-term solutions. It would seek to find and strengthen common interests, and constructively channel remaining discontent. At a minimum, it would seek to offer alternative, nonviolent forms of protest.

This, quite obviously, has implications for the whole spectrum of U.S. foreign policy, ranging from our relatively modest level of foreign aid to our seemingly close relations, on occasion, with unattractive political regimes. With specific respect to alleviating international terrorism, we should in certain cases encourage our embassies abroad to know of, and where possible give a fair hearing to, dissident groups which are not outside the law, for example in Latin America. This would involve showing proper regard for such

[12] Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, *ibid.*, January 28, 1974, pp. 91-95.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

groups without necessarily giving them official endorsement. We should be specially sympathetic in countries where dissident groups are seeking social justice and other ideals with which we can associate. This would be a way of rewarding dissidents who have a just cause and who do *not* resort to terrorist activities. At the same time, we should bear in mind that terrorism may also be used by governments. Measures to curb international terrorism would be given wider acceptability and be considerably enhanced if they were coupled with concern for "state terrorism" by nondemocratic regimes that use such tactics to remain in power or to repress dissidence.

It may be instructive to ponder the case of the Palestinians, the most conspicuous producers of international terrorism. Until recently they were, or felt that they were, forgotten men. After Israel's victory in the 1967 war, the world seemed to have lost interest in their cause. At the same time, many Palestinians remained year after year in crowded, squalid refugee camps. Little attention was paid to their economic and political grievances. The Arab states did little to further their interests; Israel in effect refused to admit of their existence. To this day, the United States has not opened a real dialogue with Palestinian leaders. Although there may have been valid overriding reasons, the Palestinians are only too aware that neither Dr. Kissinger nor his top aides met with them during their repeated swings through the Middle East while conducting step-by-step negotiations in the aftermath of the Yom Kippur war.

Spectacular acts of terrorism, reprehensible and tragic as they have been, have now helped in focusing the world's attention on a solution to their problem. For the first time, there is serious attention being given to the creation of some type of Palestinian state encompassing the West Bank of the Jordan River and the Gaza Strip. The need to preserve the "national rights" of the Palestinians in a peace settlement is now acknowledged by the Arab states. Acting out of frustration and with relatively little to lose, the Palestinians have effectively used terrorism to their advantage. Meanwhile, unfortunately, the habit has developed. On the one hand, terrorism has been used to support the demand that the Palestinian Liberation Organization be invited to any Geneva talks. On the other, the radical Palestinians, who reject an Arab-Israeli settlement except on their own terms, have used terrorism to disrupt an accommodation. This was the avowed purpose of the Al Fatah extremists who landed on the beach and seized a Tel Aviv hotel in March 1975. Following the second Sinai disengagement agreement, PLO extremists displayed their displeasure with Anwar Sadat by seizing Egypt's envoy in Madrid.

Looking back, one can justifiably ask whether farsighted measures of preventive diplomacy might not have succeeded in keeping the terrorist genie in the bottle in the Middle East. To the extent that concern over terrorism is a component of our Middle East policy, it would seem desirable at some stage to open channels of communication with Palestinian leaders — in particular, the more moderate ones — with the hope that this might create pressures among the Palestinians either to isolate the extremists or keep them under control.

Prevention, however, is a long-term process that must be continuously pursued. In the short run, measures of *deterrence* are more likely to be effective in coping with international terrorism.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

There are a number of specific measures that should now be undertaken by nations acting in concert.

First, and most important, acts of terrorism, especially those involving random killing, should not continue to go unpunished. Although hard data are not available, it is quite clear that Arab terrorists have been repeatedly set free by governments in Western Europe and the Middle East. Of the more than 150 Palestinian terrorists who have been arrested in Western Europe in the past five years, all but nine, according to one estimate, have been quietly released with or without trial. Terrorists who make their way back to the Middle East, either on hijacked aircraft or by transfer to authorities in Kuwait, Libya or South Yemen, have been repeatedly released, sometimes with a vague but unconvincing promise of a trial by the PLO, which at present has no legal basis to set up a court.

There are perfectly understandable reasons for this pattern of nonpunishment. Governments fear acts of reprisal. They are aware that imprisoning terrorists invites new acts of terrorism, including the seizure of hostages designed to secure the release of colleagues in jail. This has already occurred. Moreover, given the present oil situation and the risk of a selective boycott, countries dependent upon Middle East sources of supply are likely to wish to avoid offending Arab sensibilities and will give priority to such types of considerations. Within the Arab world, where there is admiration for the courage and determination of "freedom-fighters" even among those who disapprove of their tactics, governments tend to back away from the difficult political decision imprisonment would involve. Accordingly Sudan, after giving repeated assurances that the eight Black September terrorists who murdered the American ambassador and his deputy in Khartoum would be punished, eventually bowed to Arab pressure and released them in spite of a court sentence to life imprisonment.

Washington was right, in my view, to make a vigorous protest in this case and recall its new ambassador. We should seek to convince governments in Western Europe, the Middle East and elsewhere that terrorism is a threat to the safety of international society and must be dealt with through due process of law, judiciously but firmly. If terrorists are detained, others may be discouraged from following the same course. Once terrorists see that their activities will be costly, they might be persuaded to seek less violent means of venting their grievances.

Second, deterrence would be enhanced if specific sanctions were imposed against countries that shelter hijackers and saboteurs of planes by granting safe asylum. These could include a suspension of commercial air traffic to countries that let hijackers off scot free, or a boycott of their airliners by withholding permission to land. Since the ICAO has failed to take effective action, this could be accomplished by a series of bilateral accords providing for extradition or prosecution, using the Cuban-American agreement as a model. If a consensus could be reached that countries protecting hijackers will be boycotted by civil aviation, and that hijackers will be punished, a major step would be taken toward deterring this form of terrorism.

Related to this is the question of the availability of aircraft in response to terrorist demands for transportation out of a country and the granting of landing rights for refueling purposes. It has become the custom of terrorists to expect that they can flee by

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

demanding a plane and a crew. This should now be reversed, with governments agreeing among themselves, and publicly declaring beforehand, that they will not provide aircraft for the use of terrorists or even temporary landing rights. The Japanese government has recently moved in this direction, following its embarrassment in having made available a Japanese Air Lines plane to transport five Red Army terrorists and five colleagues, who had been imprisoned, from Malaysia to Libya.

Third, countries that believe in the need to control international terrorism should cooperate on practical precautionary steps that might be undertaken together. Chief among these is the sharing of intelligence data and other information about terrorist organizations, their membership, structure, leaders, motivations, and so on. The United States has established a cabinet-level committee and appointed a Special Assistant to the Secretary of State for Combating Terrorism. His activities involve both contingency planning and coordinating action once a terrorist incident develops; a few other countries, including West Germany, have now established similar offices. Like-minded governments should be encouraged to set up bureaus for this purpose and develop cooperation among them. Technological aids, such as devices for improving airport security throughout the world, should also be shared. Nations possessing atomic reactors should tighten existing precautions to safeguard against the theft or diversion of nuclear materials. Some international cooperation along this line is already in progress, but it should be broadened and deepened. Most important, the states that share a common perception of the dangers of international terrorism should act now to concert their efforts, without waiting for the agreement of all member-states of the United Nations.

This intergovernmental cooperation is especially important in light of increasing evidence of transnational linkages between terrorist groups with varied purposes, even located in different continents. Such collaboration often exists to facilitate the flow of arms and information. The Japanese Red Army, for instance, has established ties with the PLO, and in Europe it has had contacts with a number of terrorist groups, including the Baader-Meinhof group in West Germany, while operating for a time out of a perfume shop in the center of Paris. There have also been reports of close contacts between the Irish Republican Army and the ETA, a Basque separatist group in Spain. International linkages of this type can be of considerable practical significance to terrorist organizations in increasing their outreach and effectiveness. Although one cannot yet speak of a "brotherhood" of terrorists, in the past two years a number of "networks" have been uncovered. They should be combated through international cooperation among as many countries as possible. In this manner the very internationalism of terrorist movements might contribute to their undoing.

Fourth, the communications media have a special responsibility in taking care not to encourage acts of terrorism and violence by giving them undue publicity. Such acts often possess a particular aspect of sensationalism designed to attract public attention out of proportion to the real importance of the event. Terrorism is usually directed at the watching audience, rather than the real victims. Although, obviously, newsworthy incidents of terrorism cannot and should not be suppressed, television and the press must avoid being manipulated by terrorists for their own advantage. This suggests a need for restraint and prudence by the Fourth Estate in its reportage of terrorism.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Fifth, in regard to American policy, we might re-examine our present blanket "no ransom" policy in dealing with international terrorism. After the Khartoum incident President Nixon firmly stated that the United States would not pay ransom, reasoning that "the nation that compromises with the terrorist today could well be destroyed by terrorism tomorrow." But the evidence is hardly available or clear that this would be the case, and the analogy between political terrorism and ordinary criminal blackmail ("extortion breeds extortion") may be somewhat misleading. If a Boeing 747 filled with 350 American citizens was about to be blown up, would Washington still refuse to buy their safety? If the chairman of the Senate Foreign Relations Committee was kidnaped by Tupamaros, would the U.S. government not be willing to release a few foreign terrorists, or urge another government to give in to such terrorist demands?

Many countries have shown greater flexibility in the face of a grave situation, as France did in ransoming her ambassador to Somalia for $100,000 last March. Even Israel, which also has a "no ransom" policy, was prepared to set it aside in order to save the lives of eighty-five children at Maalot, Premier Golda Meir explaining that she would not resist "on the backs of our children." We might therefore be more flexible than our declared policy would indicate, judging each case on its own merits and negotiating when the situation seems to call for it. The former U.S. Ambassador to Tanzania, W. Beverly Carter, was penalized after he assisted in the release of four American students in August 1975 by helping a private rescue team make contact with the kidnapers. Surely some latitude should be accorded the ambassador on the scene so that he can draw a sensible balance between the requirements of general policy and the need for humane action. It should be noted, moreover, that American corporations have concluded that they will pay ransom, if necessary, in order to save the lives of their executives overseas. Large sums have indeed been paid in recent years — sometimes, it has regrettably turned out, to extortionists masking their aim in political rhetoric.

Finally, the community of states should seek as broad a consensus as possible establishing that acts of international terrorism — especially indiscriminate violence when the victims are innocent third parties sitting in planes, walking the streets or resting at home — are, regardless of motive, beyond acceptable norms of behavior. It should be made clear that when the terrorist deliberately inflicts death and destruction on the innocent, rather than on the enemy, he is crossing an ethical threshold and committing a crime against humanity as a whole. Even if political reasons dim the prospects for a UN convention on the "export" of terrorism, or early ICAO action on hijacking is unlikely, it should be possible to create a moral climate that will help to deter random violence. In this connection, it might be useful to re-examine a proposal first made in 1937 after the assassination of King Alexander I of Yugoslavia and French Prime Minister Louis Barthou at Marseilles, for the establishment of an International Criminal Court to be granted jurisdiction over terrorist crimes of international character in lieu of national judicial process.[13] Such a court might, in some circumstances, be an appropriate and less political means of handling modern terrorist crimes.

[13] Manley O. Hudson, *International Legislation,* Vol. VII (Dobbs Ferry, N.Y.: Oceana Publications, 1941), pp. 878-893.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Responding successfully to international terrorism will require both the balm of prevention and the sting of deterrence. It will involve piecemeal coping rather than comprehensive solution. The enduring difficulty will be to reconcile the imperatives of international order and safety with the legitimate grievances that give rise to despair and violence. Moral dilemmas will abound.

We must be prepared to accept the fact that terrorism could become a new form of warfare. With the increasing availability of relatively small and inexpensive means of destruction, a handful of men could have an enormous impact upon states and societies anywhere. Some countries might even prefer to arm and use terrorists to pursue their foreign policy objectives, rather than accept the stigma of direct and visible involvement in a conflict with another state. They might view terrorist activities as a continuation of warfare by other and more effective means, in which the constraints applying to conventional warfare under accepted standards of international behavior and law could be conveniently disregarded. Thus terrorism could be intentionally used to instigate an international incident, to provoke an enemy, to carry out acts of sabotage, or to incite a repressive reaction against a group in a country.

Terrorism is a relatively inexpensive and efficient way of doing a great deal of harm, and doing it without the political embarrassment that can be attached to many overt state actions. In some ways, therefore, it could become an alternative to conventional wars — not necessarily an undesirable step. It is not too early to think creatively about arms control — in the political sense — for international terrorism. Should terrorism continue to grow, as appears likely, it will enter the mainstream of world politics. Then, even more than today, it will present a major political, legal, arms-control and, perhaps above all, moral challenge to us all.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

POLITICAL VIOLENCE AND THE "CORRELATION OF FORCES"*

by W. Scott Thompson

THE study of political violence now has become fashionable. From being a stepchild of the social sciences, the study of civil, international and transnational violence has come to be part of the cutting edge of the discipline,[1] not only from a methodological point of view, but also in a policy-oriented sense. In contrast, a decade ago presumptions of order reigned in the industrial West, a sufficient preponderance of power over the communist (specifically the Soviet-led) camp existed, and an illusory confidence remained that decolonization not only would continue smoothly in the Third World, but would usher in, if not prototype Western-style parliamentary regimes, at least reasonably responsible centers of government. The three mutually-supportive legs of the stool — a Western perception of stability and process — have been removed one by one.

What we refer to as "political violence" would in the conventional reference be called "terrorism," but it is not confined to that alone. The problem with the term "terrorism," as Professors Franck and Lockwood have argued, is that it is "historically misleading" and is a "politically loaded term which invites conceptual and ideological dissonance."[2] One nation's terrorism is another's national liberation. Important questions of a normative sort may be passed over in the definitional confusion.

In speaking of political violence generically, we refer to the extralegal use of force for the direct or indirect purpose of affecting the political decisions (and fates) of constituted authorities. Several dramatic forms of political violence — kidnaping, hijacking, bombing, assassination — have been selected by their perpetrators for a similar purpose: to condition a target audience (whether the civil authorities or an international milieu) and only incidentally to harm the victim.

Much progress has been made in separating the different geographic forms of such violence: many of the interlocking transnational links of militant groups have been identified, and growing knowledge exists about how techniques and weaponry are spread. Progress has also been made in subjecting at least the underlying causes of political violence to scientific analysis.

On the other hand, the nature of the qualitative effects of political violence on the noncommunist world has seldom been addressed.[3] Nor has there been a systematic effort to investigate

* This article was written in the author's capacity as a member of the Fletcher School of Law and Diplomacy faculty at Tufts University. The views and argument are his alone and do not necessarily represent those of the U.S. government, in whose employ he was at the time of publication. He would like to thank Brian Jenkins, Wynfred Joshua, David Milbank, Alan Springer and Phyllis A. Thompson for their helpful suggestions in the essay's preparation.

[1] See, for example, John V. Gillespie and Betty Nesvold, editors, *Macro-Quantitative Analysis: Conflict, Development and Democratization* (Beverly Hills, Calif.: SAGE Publications, 1970); Gurr, Feierabend and Feierabend, *Anger, Violence and Politics: Theories and Research* (Chapel Hill, N.C.: Preston-Hill, 1972); and especially Ted Robert Gurr, "A Causal Model of Civil Strife," pp. 184-222 in the latter volume.

[2] Thomas M. Franck and Bert B. Lockwood, Jr., "Preliminary Thoughts Towards an International Convention on Terrorism," in U.S. House of Representatives, *International Terrorism, Hearings* before the Subcommittee on the Near East and South Asia of the Committee on Foreign Affairs, 93rd Congress, 2nd Session, June 1974, p. 109.

[3] Their continuing coverage has made two journals, *Encounter* and *The Economist*, conspicuous exceptions; since the wave of violence began they have commented closely and perceptively on the relevance of the phenomenon to the survival of W[illegible]

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

the *cui bono* question: apart from the immediate, particularistic benefits that revolutionary groups reap in carrying out their acts, are there intended or unintended benefits of a more general nature, redounding to either of the two major alliance systems, or to an ideology or ideological system? Is there harm, intended or unintended, to any of these systems? Disaggregation of the different forms of violence rarely points to the corresponding beneficiaries, or any consideration of whether there are any. In the absence of much serious thought on this dimension of political violence, we lose an important indicator of where the world as we know it is tending.

I

The question of the qualitative effect of political violence on the noncommunist world breaks down into further considerations: what societal characteristics coincided with the surge of terrorist activities during the past decade, what set the stage for the surge, and how were different dimensions of society affected by the violence? In the first instance, this violence is a function of both the weakness of the noncommunist states within whose boundaries dramas of terror have been acted out, and of the strength of the terrorist forces themselves. However strong the impetus from without, states whose regimes govern on a basis of an enduring consensus will not long suffer illegal acts. But in political vacuums all manner of forces will grab for power; for this purpose the cohesion of states can be envisaged on a continuum, with states like Portugal or Lebanon in 1975 at one end, and with Switzerland or Bulgaria at the other end. It is important to remember that suppressive authoritarian regimes, however stable internally, will export their opposition, and hence add to the pool of international gunmen able to work against more tolerant regimes.

States affected by political violence can readily be divided between those of the third and first worlds. "Second world" states, that is, communist states (whether autonomous, Moscow- or Peking-oriented — or a combination), at present have no significant problem of anti-regime violence,[4] though the possibility always looms as one of the great uncertainties in the future of world politics.

For Third World states, four generally valid observations can be offered. Firstly, the conclusion of the often long struggles for independence in Africa and Asia, whether violent or not, brought to the new ruling elites enthusiasm and confidence that progress would ensue, and a sense of direction which made their first few years relatively stable ones, with considerable economic development. But the consensus that had come with independence, and its attendant momentum, broke down widely by the mid-1960s.

[4] How long they will remain so must be a question of more than passing interest to the student of world politics. Hijacking in its first manifestation was undertaken by defectors from behind the Iron Curtain in the 1940s. Since then, uprisings in Poland, Hungary, East Germany and Czechoslovakia, a tightening of the screws against dissidence in the Soviet Union, continuing but suppressed nationalism in the USSR's Muslim colonies of Central Asia as well as in the conquered and incorporated Baltic states, raise the question whether a loosening in one part of the sphere would have a "demonstration effect" for another. A less determined group of rulers in Moscow than the present one, for instance, might ease the pressure in the event of another crop failure leading to widespread violence throughout the empire. Although in the long run the West might benefit from this insofar as it weakened the coherence of the communist world, the short-term effects might be profoundly destabilizing at the central nuclear level in relations between the two superpowers. The surprisingly vigorous dissidence that has continued in the recently conquered territories of Indochina is another consideration.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

By the end of the decade, political scientists were already talking about the revolution of "declining expectations," about decay rather than development. True, the problems then coming to the fore were not new, but they had theretofore been successfully suppressed. Although the Nigerian civil war ended in a united Nigeria in early 1970, there were dozens of other ethnic groups demanding or fighting for greater autonomy throughout the Third World. It was becoming an age of particularisms. The capabilities of the regimes at the center were correspondingly lower, both in expectation and reality, and their problems were exacerbated by the effects of the October 1973 war in the Middle East and the subsequent increase in petroleum prices. High energy prices and the attendant worldwide recession tended to lead to greater tension and regional demands within the poor Third World states.

Secondly, and not unrelatedly, norms were evolving on actions deemed legitimate by the state in pursuit of its goals. As crisis, ethnic tension and deep recession spread in the industrialized West, the perception ended that the old "big brother" or former colonial power was watching; Indonesia could invade Timor in 1976 with far less international protest than India suffered in 1960 over her seizure of Goa. Indeed, states with similar goals — like Malaysia, in this case — cheered the bold states on. India could play the key role in breaking up Pakistan in 1971, and Morocco could, with some bravado, good organization and even greater cynicism, gobble up the important part of the Spanish Sahara. The atmosphere had become permissive. The oft-heard assertions, that the new states had forsworn the tradition of power politics bequeathed them by their colonial masters and that they did not resort to force, were thrown to the winds.

Thirdly, what had seemed to the Third World in 1960 to be an unstoppable wave of decolonization slowed down as the decade progressed and the next began. To Arabs, certainly, the decade registered net losses, with the Six-day War of 1967 spurring on violence throughout the Middle East and Europe as the argument spread that any means were justified in changing the direction of the trend. Measured in terms of combat deaths, Portugal's counterinsurgency in her African territories was largely successful by 1973, in an exceedingly short-term sense; so, too, Rhodesia's. Hence, radical Africans and Asians sensed a reversal of the wave. But the October 1973 Middle East war and the coup in Lisbon in April 1974 changed all that. Where failure had previously provoked violence, now success prompted it. The key variable was clearly not deprivation, but opportunity.

Finally, in the absence of large arsenals and armed forces, Third World states with irredentist or ideological aims were learning that state-sponsored violence was an attractive form of poor man's imperialism. Sukarno could disrupt all of insular Southeast Asia with his policy of confrontation. On a small scale, toward the end of the decade, the Philippines could aim at much the same thing with her aborted plans for Sabah. As early as 1962 Ghana could (with Soviet and then Chinese assistance) establish camps for "freedom fighters," who were ostensibly to go off to struggle in the racist redoubt in the South. But they went in equal numbers to such allegedly neocolonial states as Niger or Ivory Coast, attempting highly unsuccessful covert action against

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

them — all on a minuscule budget.[5] True, this sort of effort generated its own counterthrust, as happened to Ghana on the eve of Nkrumah's overthrow. By the mid-1970s it appeared that more and more pressure could be mobilized to counter such specific threats as hijacking, for example. But no amount of pressure could affect the determination of states like Libya[6] to support extremists among the Palestinians, and international saboteurs as well. There was no generalized world learning curve in the area of political violence, no general lessons from which young states could benefit where their own causes were deemed just.

Trying to find the internal correlates of political violence in the West is trickier. For one thing, violence in the United States and in Western Europe was not wholly in phase or of identical character, despite the many similarities. In America a wave of civil disobedience and student rebellion washed over the polity in the 1960s and early 1970s; first in protest to continued segregation (or, more accurately, in response to the loosening up of the whole fabric of black-white relations), next against the Vietnamese war, and then, somewhat randomly, against any symbol of national authority. Both the internal and external capabilities of the American government were overstretched, perhaps permanently disfiguring the structures of the society. In the civil rights movements, which brought great and positive gains, techniques of protest were mastered, to be used against any government policy to which exception was taken. In this area radicals in the United States were ahead of those in Europe. In the late 1960s, Weathermen and a bewildering array of other groups struck out against a variety of targets, at the same time as student movements peaked in Europe.

It was really only with the growing opposition to the Vietnamese war that radicals on both sides of the Atlantic came into phase. Moreover, the war sapped American strength without bringing corresponding gains, especially as, after the 1968 TET, it looked to most like a losing proposition. In the ensuing five years, the defensive manner of the search for a peace settlement, with all the bloodshed continuing in the interim, guaranteed that the coherence of American society would continue to suffer. The war highlighted the question of means and ends in the increasingly prosperous societies of the West at a time when their security could be taken for granted, given the balance of power between East and West then obtaining. It helped to bring protests to the fore against all government in every Western society, as a new generation came into its own, distinguished by the extent to which it refused to accept the values and standards of those preceding it.

The position of leadership the United States had taken was steadily weakened: something had snapped, and with it the American role as world policeman. This was not merely because allies would no longer take their cue from Washington (a development of which de Gaulle had been the critical symptom), for that was just another result of the same cause: Washington's will had declined and its direction had become uncertain. The fact that a

[5] For examination both of Nkrumah's attempt to subvert West African regimes and of the counterattack, see W. Scott Thompson, *Ghana's Foreign Policy: Diplomacy, Ideology, and the New State, 1957-66* (Princeton, N.J.: Princeton University Press, 1969).

[6] See "Colonel Qaddafi 'uses oil revenues to finance terrorism,'" *The Times* (London), January 4, 1974, p. 1.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

victory by American forces in purely military terms could be turned into a psychological victory by their enemy was not lost on any incipient adversary.

The first Mansfield amendment, for the withdrawal of American troops from Europe, was introduced in 1971. Uncertain of their own security, leaderships in the countries on the western tip of the great Eurasian land mass drew the appropriate strategic inference and began wondering how long it could be before Finlandization — which Moscow touted as a good and advantageous thing — spread westward, while the communist parties of Western Europe grew. This greatly interfered with Europe's attempt to master its economic malaise, as its leaders hesitated to take the bold steps needed to arrest the decline of their economies.[7]

So there was a crisis of values and purpose in the West even as the strength of the Western allies declined in relation to that of the Soviet Union (measured in defense budgets, deployed forces, and most pertinently in the will to use them). Western Europe, for its part, suffered from three additional factors. One was simple geography. Its open and porous societies, close to the powder-boxes, were utterly vulnerable to the revolutionaries emanating from Africa and the Middle East; the United States, with a tradition of tighter visa requirements and its greater distance, enjoyed a period of relative grace from that sort of menace until December 29, 1975, when LaGuardia Airport was bombed.

The second factor was the residue of colonialism. Problems such as that of Ulster and Ireland, or of Moluccans in Holland, were reminders that the costs of the great movements of trade and people in the age of imperialism extended long after the benefits ceased. In combination with the ethnic separatism of Basques, Flemish, and even Scots, whose causes were no different from similar movements in the Third World, Europe had serious problems indeed.

Third, European prosperity had brought to Germany and France in particular, but to other West European countries as well, emigrés from Portugal, Yugoslavia, Greece, Turkey and other less-favored rimland countries. These emigrés were a natural quarry for gunmen.

Violence in the noncommunist world is a symptom of the distress of a civilization, and could well be the critical medium of its decline. This is so because of the immediate opportunity-costs of dealing with terrorism: the curtailment of freedoms in some democratic states, and the abandonment of democratic institutions in others. Whether such developments occur depends on the degree of coherence of the society as a whole and on its geographic vulnerability.

The opportunity-cost of violence is bad enough. Consider the British government's preoccupation in December 1975, during which police bargained with IRA gunmen for the release of their hostages, Mr. and Mrs. John Mathews. Fortuitously, this episode

[7] The interrelationship between security and economy is seldom studied — though the fact that it exists should be obvious from Europe's postwar recovery, when the formation of NATO combined with the Marshall Plan instilled confidence in the European future and stopped the outflow of money and people. In the past half decade, however, Western leaders have been incapable of taking the bold steps needed to arrest the decline of their economies, while at the same time their socio-political institutions have been under siege for different, if not wholly unrelated, reasons (American-exported inflation which began with Vietnam, for example). The relationship of these trends to a perception of declining security should be self-evident.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

took place during a debate in the House of Commons on the restitution of hanging for such crimes, and only two months after a similar siege in Knightsbridge. The government's instruments, the police, it was reported, "are badly overstretched . . . they are simply not able, for example, to provide protection for most of the people believed to be on the IRA's assassination list, including a number of politicians."[8] Given its economic woes, the British government could ill afford the diversion. But if the British problem was great, that of the Dutch, with two squads of South Moluccans holding hostages in the same period, was worse.

Political violence has curtailed freedoms heretofore taken for granted — freedom from search, for example. No one interested in civil peace objects to this, but it is a price to be paid, a blow against, not for, liberty. Freedom to travel is also impeded. Would a prudent American political scientist interested in Africa be willing to visit one of the historically, sociologically and environmentally most interesting countries, namely, Uganda? The list of Latin American countries where Western businessmen must tread warily is growing, and African states are joining the list. Diplomats now live always at risk.[9] To go to a pub, to open a letter, is to take a risk. Positive identification may soon be needed at all times in most Western societies, so that citizens may prove who they are — and, more important, who they are not.[10] Perceptibly, if slowly, life in the West sacrifices some of its values in order to protect the remaining ones.

With the erosion of freedom, life begins to approximate existence in an authoritarian state. As governments are forced to defend themselves and impose more stringent rules, the gap that authoritarians or totalitarians of left or right must bridge, for popular acceptance of their proposed coup or electoral sweep, becomes that much narrower. In less cohesive Third World states the abandonment comes easily, both because of the relative absence of order and because of the shallowness of the institutional roots. But again we speak of a continuum, with these effects moving roughly from the less coherent to the more coherent polities. What happens in Uganda today might happen in the Ivory Coast tomorrow; what happens in Argentina tomorrow might happen in Italy the next day.

Consider, for example, what happened to the robust democratic institutions in the Philippines, owing to seemingly endemic violence of right and left. That state was best characterized by its limited amount of government of any sort, in proportion to differentiated societal activity — a situation in which rebellion and brigandage prosper. Something of an equilibrium evolved after formal Hukbalahap resistance to the government ended in 1951, though Manila tolerated considerable racketeering by the old "Huks" around the U.S. bases.

Ferdinand Marcos, elected in 1965, sought to tighten up governance and make policy more coherent. In the short run at least, this proved counterproductive. In the late 1960s a Maoist group, the New People's Army, broke off from the old Huks and entrenched themselves in Central Luzon, where in one province they remain dominant to this day. Radical groups in Manila,

[8] "Gun for a Gun," *The Economist*, December 13, 1975, p. 16.
[9] In December 1973, the UN passed a convention on crimes against diplomats, but only nine countries have ratified it and it is not yet in force.
[10] See David B. Wilson, "New Hazards of Terrorism," *The Boston Globe*, January 2, 1976, p. 7.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

armed both from outside and by domestic critics of Marcos on the right, made virtually an armed camp of the capital by 1970. Paid by enormously rich tycoons who could benefit from a radical atmosphere,[11] mobs challenged the state's authority at every turn, and were reinforced by a hardened criminal core.

Marcos' own contribution to the state of affairs was substantial, but the fact remained that the Philippine state's writ did not extend very far between 1970 and 1972, when Marcos, after careful and lengthy preparation, proclaimed martial law and ended the archipelago's lengthy experiment with democratic institutions. By the time he did so, most people — a random sampling would indicate — were ready for it, so dangerous had life become. But a genuine attempt to get rid of loose guns (which ended many a threat to the state) backfired in Muslim-dominated areas of Mindanao, where the long-exploited Muslims saw their last guarantees threatened. They went to war. Thus did a relatively stable, relatively democratic polity (by Third World standards) become an authoritarian state, fighting a civil war.

Three years later India made a transition that was similar in many respects — as have others before and since. In such cases democracy suffers, though the communist world does not necessarily benefit immediately. In the longer run, such developments render differences between the new forms of totalitarianism and authoritarianism of left and right increasingly tenuous, harming the democratic cause to which the security of the West is tightly bound. We now turn to those considerations.

II

The matter of who benefits from violence in the world today may beg several questions. The first is whether such a notion does not contradict the terms and basis of the superpowers' relationship, as codified in the understandings purportedly composing "détente." (As a term, "détente" has been repudiated by the Ford Administration, but as a concept it is still in vogue.) Along with the assumption that détente was necessary to prevent nuclear war, an intellectual assumption developed in recent years in the West positing that the world was working its way toward greater overall coherence in any case. One view, cogently argued originally by Pierre Hassner, would have it that, even if the units of the international system were becoming less stable, the international system itself was becoming more stable; the system was adapting at the regional and international levels. There was more chaos, but less war; more anarchy, but less revolution.[12]

As for détente, the concept began with an assumption that through it the suspicion and ill will that had pervaded Soviet-American relations for so long had dissipated. These views came to be the conventional wisdom in the West, nowhere more so than on the campus. The notion that a relationship existed between civil violence and great-power beneficiaries could and did provoke hostile reactions, as if the act of contemplating a different perception of reality could compromise the position on which our

[11] "Nationalism" in the Philippines has always had an economic flavor, as some businessmen were thought to benefit from an atmosphere in which American investments could be sold as in a fire sale. See W. Scott Thompson, *Unequal Partners: Philippine & Thai Relations with the U.S., 1965-75* (Lexington, Mass.: D.C. Heath, Lexington Books, 1975).

[12] See Pierre Hassner, "Civil Violence and the Pattern of International Power," in *Civil Violence and the International System. Part II: Violence and International Security* (London: International Institute for Strategic Studies, Adelphi Paper No. 83, 1971), pp. 16-26.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

fragile peace was based and culminate, in a massive self-fulfilling prophecy, in war.[13] Little attention was consequently paid in the expanding literature on violence to the question of *cui bono*. With the civil war in Angola, where a Soviet-financed Cuban expeditionary force was the determining element in defeating much more numerous and more broadly-based adversaries, the assumptions governing détente, and hence the "who benefits" question, began to be open to doubt; the original proponents shifted their ground accordingly, and began defining détente as a situation in which the United States must "manage the emergence" of the pre-eminent new superpower, so as to soften the harshness of its imperium.[14]

The view from Moscow was always asymmetrical to the popular one in the West. The Soviets, particularly since 1973, have been writing about the change in the "correlation of forces," a pervasive term indicating the balance between the two parties at not just the military level, but in the economic, political, and most emphatically the psychological, dimensions as well. Anything in this view that undermined the coherence of the West would definitionally be a gain for communism, given the irreconcilability of interests as seen from Moscow and the relative absence of political violence by nongovernmental actors within the communist bloc. But Moscow would have nothing to gain by making the point explicitly: the fact that the West's disarray and vulnerability to widespread violence benefit communism is obvious and not as such to be boasted of. The significance of such victories as that won in Angola and its bearing on the "correlation of forces" only needs explication, apparently, in Western circles—for the notion that such actions violate the spirit of détente has been routinely but firmly rejected in Moscow. Détente in the Soviet view is, after all, something to which the West was forced to subscribe owing to the shifting "correlation of forces"; this is a hardheaded assessment devoid of the sentiment and wishful thinking pervading Western thought and leadership during the past few years.[15]

A second question begged is whether widespread violence, assuming that it benefits one set of forces in the world, is incidental, secondary or important to the aims of the gunmen themselves. It is customarily judged to be incidental; *foremost* in the minds of the actors is obviously the directly sought goal. Latin urban guerrillas wish to obtain a ransom and to publicize their cause, those of the Middle East also wish to elicit attention, and all are usually successful. For most of these people it might be supposed that the balance of world power would be at the periphery of their concerns, low in their hierarchy of interests.

[13] At a National Security Education Seminar held at the Fletcher School of Law and Diplomacy in April 1975, several political scientists accused one speaker, who presented a paper similar to the present one, of "McCarthyism," of "being unaware that this was not 1950," and so forth.

[14] See especially Theodore Draper, "Appeasement and Détente," *Commentary*, February 1976.

[15] See, for example, the Soviet-Syrian communiqué of April 13, 1974: "The continuing alteration in the alignment of forces in favour of peace, socialism and national liberation is increasingly and favourably influencing the entire international situation, and facilitating detente in the world." (*International Terrorism, Hearings*, p. 3320.) For an incisive analysis see Wynfred Joshua, "Détente in Soviet Strategy," Defense Intelligence Agency, September 2, 1975; and Foy D. Kohler, Leon Gouré and Mose L. Harvey, *The Role of Nuclear Forces in Current Soviet Strategy* (Coral Gables, Fla.: University of Miami, Center for Advanced International Studies, 1974). See also "Western Observers Misread Soviet Views on Angola," *Soviet World Outlook*, February 13, 1976, pp. 2-4.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

But is this too pat? Most gunmen, owing to the way political authority is presently distributed in the world, are radicals fighting an uncongenial status quo.[16] As Professor Bell has argued, "Even if there is not a specific organizational structure for world revolution, the conviction of the committed is that there *is* a world revolutionary society, perhaps organized by national parties, perhaps in ideological disarray, but nevertheless real."[17]

The background of revolutionaries conduces to radicalism. Years in the mountains, in desert camps or in exile, give a twist to theory and offer circumstances congenial to the development of all-encompassing ideologies, of which Marxism-Leninism, bent to their own needs, is the most readily available. The dictates therein, that power be maximized, and that any form of violence is justified to obtain it, are convenient. It is not surprising to find, as a result, that most revolutionaries would have no difficulty with the proposition that terrorism in the world brings more benefits to East than to West, and that it should be so.

In any event, the West is the revolutionary's symbolic enemy, the East his support. The Soviet Union, for so long a "have-not" and a revolutionary by ideology (if often more pragmatic in practice), has been in a position to hand out guns and to provide support at the United Nations, as elsewhere. There has usually been a complementarity of interests — hence the not unimportant Soviet role in many forms of contemporary political violence. True, much of the evidence is difficult to come by, and, for reasons that are not simple to discern, is closely held by Western governments. Nonetheless, this much is clear: the Soviet Union has shipped vast quantities of materiel to such theaters as Angola and South Yemen, enterprises heretofore limited by insufficient transport capacity.[18] Moscow has trained thousands of "freedom fighters" and "terrorists" in a number of centers and has also developed training facilities abroad. It has played an indirect role in numerous major European incidents of violence, and in the view of several West European governments has been supportive of "Carlos," the Venezuelan "superterrorist" sought for the kidnaping of OPEC ministers in 1975, among other things. East European weapons and matériel are often found in the hands of IRA and other gunmen in Europe, suggesting a surrogate role for Czechoslovakia, for example. Through the explicit surrogate, Cuba — Havana's role is increasingly obvious and compelling — further entrée is gained in Latin America, as well as in numerous African and Middle East countries where Cuban soldiers are stationed in substantial number. "The greatest potential increment of dissident military capacity is external support," Ted Robert Gurr writes.[19]

The United States has also hired gunmen, mobs and private armies with which to protect her foreign policy interests, but American efforts have been consistently *reactive:* for instance,

[16] There are, to be sure, exceptions: e.g., Phalangists in Lebanon, who tried to preserve a status quo whose demographic base had eroded; or right-wing terrorists in Brazil and Argentina, arrogating to themselves the distribution of "justice," which they see the state incapable of meting out to its extralegal opponents of the left.

[17] J. B. Bell, "Contemporary Revolutionary Organizations," in Joseph Nye and Robert Keohane, editors, *Transnational Relations and World Politics* (Cambridge, Mass.: Harvard University Press, 1972), pp. 156-157.

[18] Though previous airlifts — to Egypt in 1967 and Laos in 1960, for example — were not modest in scope, Soviet *capability* was a fraction of America's. The addition of the fleet of Cock AN-22 cargo planes, whose utility was demonstrated in Angola, increased this capability by several orders of magnitude.

[19] Ted Robert Gurr, *Why Men Rebel* (Princeton, N.J.: Princeton University Press, 1970), p. 269.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Washington authorized support of Cuban exiles to overthrow Castro after Cuba had begun moving to the communist side; support of Diem's regime in South Vietnam after it had begun to collapse in face of communist forces; support to Iranian mobs in 1952 after Mossadegh had nationalized Western oil interests; and support to newspapers and unions whose autonomy was threatened by Allende's regime in Chile. This reactive posture flows from the terms of engagement as advanced and accepted by the West, namely, that all noncommunist territory is a hunting ground for communist-influenced, -financed, -fronted, or outrightly -led organizations permitted to compete in the elections of some democratic states, to reveal the names of CIA agents (and murder them), and to organize "peace" fronts, unions, student movements, and the like. But the reverse is not true; the accepted terms prevent all but the most marginal clandestine efforts to organize known or incipient anti-communist forces (for example, nationalists in the Soviet Union's Central Asian colonies). Can one imagine an organization with general Western interests in mind assassinating a KGB chief of station in Sofia? Or throwing bombs at officials in Riga who serve the Soviet state?

But can we not differentiate between "terrorists" and "freedom fighters," considering the former essentially irrational in their objectives, the latter fighting against a colonialism that all reasonable men would condemn? Firstly, we come up against the question of rationality. David Fromkin argues that terrorists "seem to thrive and multiply everywhere in the world, bomb or machine gun in hand, motivated by political fantasies and hallucinations, fully convinced that their slaughter of the innocent will somehow usher in a political millennium for mankind."[20] But most gunmen have no such delusions: they are primarily working for the goal of power in their particular region or state, or to affect the process of government or the conditions of governance. Recent experience has taught them that they probably will succeed — though historically this is not true.[21] Their mission is a practical one, for practical goods — flags, mansions of state, votes at the United Nations, obeisance of the masses — in short, the products of power.

Is the distinction between terrorist and freedom fighter one that can be sustained in the 1970s? The difference (and lack of connection) between the Congress Party in India during the 1930s and the assassination by anarchists of King Alexander of Yugoslavia in 1934 is an easy one to see. But is the difference between Naxalites in Bengal or Algerian-supplied members of the Polasario Front in the Spanish Sahara on the one hand, and Black Septembrists in Europe on the other, so great? What analytically is the difference between political violence practiced, for example, by IRA gunmen in London, or Palestinians in Munich, and that of Soviet-supplied guerrillas in Dhofar? They are all fighting for control of territory with which to take over or establish a state, or part of a state, and they are nearly all radicals hostile to the West as presently constituted. International communications media enable them to copy each other's tactics, especially since the beginning of television communication by satellite. Shared contacts enable them to pool information or to pass weapons.

[20] David Fromkin, "The Strategy of Terrorism," *Foreign Affairs*, July 1975, p. 698.

[21] This point is well argued by J. Bowyer Bell, in *The Myth of the Guerrilla* (New York: Alfred A. Knopf, 1971). Since 1973, however, Bell's argument has lost much force, as group after group, fighting with what was previously seen as little hope, has come into its own.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

More important, the seeming "oneness" of the noncommunist part of the world means that sabotage by one rebel helps to create a climate for another — terrorist or freedom fighter — in which his act becomes just another outrage. We are all, at the least, part of one another's range of consciousness.[22]

True, guerrillas waging a struggle *in situ* against colonial authorities have always elicited more general international support for their cause. But there are no more important colonies, other than those within the Soviet Union — which, by the curious double standard upheld not only at the UN and in the Third World but in the American consciousness as well, do not count. The struggles remaining are residual, consequences of the breakdown in state authority; the activists derive from colonialism (e.g., the Moluccans or Palestinians), are ethnic separatists (e.g., Basques, Quebeçois, Baluchis), or are resisting local imperialisms (e.g., Dhofar — sponsored by the People's Democratic Republic of Yemen [PDRY]). As far as eliciting external support is concerned, these are distinctions without differences; the critical variables are occasion and opportunity. The Soviet Union has supported guerrilla struggles of each sort, operating either through communist parties (as in Portugal), or state authorities (the PDRY), or simply in aid of noncommunist factions in a position to embarrass a Western state.

The Soviet position is that any attempt to demonstrate the interrelatedness of terrorism and freedom fighting is really only an attempt to

> accuse the leaders and active members of national liberation movements on the pretext of combating international terrorism. Bourgeois propaganda very often strives to lump together the terrorist acts of individual extremist elements which exist in certain national liberation movements and the peoples' just struggle for their independence, self-determination and progress.[23]

The classic and official communist formulation has not changed since Lenin characterized terrorism as a form of "infantilism." Thus in 1974 it could be said that

> Marxism-Leninism rejects individual terror as a method of revolutionary action since it weakens the revolutionary movement by diverting the working people away from the mass struggle. "*The first and chief lesson,*" V.I. Lenin wrote, "is that only the revolutionary struggle of the masses is capable of achieving any serious improvements in the life of the workers. . . ." International terrorism is radically different from the revolutionary movement of the people's masses, whose aim is to effect fundamental changes in society and which alone is capable of so doing. The terrorist act, however, even if its main point is to awaken public opinion and force it to pay attention to a particular political situation, can only have limited consequences: say, lead to the release of a group of prisoners, increase the financial assets of an organization. . . .[24]

Thus the distinction is merely functional and quantitative, not

[22] *The Economist* noted the "wider internationalising of the phenomenon which tends to be described, according to one's sympathies, as terrorism, freedom-fighting, guerrilla action, liberation struggle, revolutionary or counter-revolutionary activity. When groups conspire in Sydney with their eyes on Zagreb, Arabs seize diplomatic buildings in Bangkok, IRA guns are shipped from the Mediterranean and guerrillas are trained in China for action in Rhodesia or Mozambique, the thing has got far-flung." "Gunpowder and Plot," April 7, 1973, p. 13.

[23] V. Terekhov, "International Terrorism and the Struggle Against It," *Novoye Vremya*, March 15, 1974, pp. 20-22; in Foreign Broadcast Information Service, USSR International Affairs, III, March 28, 1974.

[24] *Ibid.*

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

qualitative. The advice is to "do nothing that would provoke the reactionaries at this level"[25] — unless, of course, it be successful. For in that case it is no longer considered *individual* terrorism or criminality, but the inevitable and just struggle of the masses. The meaninglessness of the distinction is underlined when one considers the number of people involved in the acts condemned — the Japanese Red Army, for example. It is further underlined by noting *which* acts are condemned. Andrei Gromyko made the position clear in an address to the UN General Assembly:

> On the basis of positions of principle, the Soviet Union opposes acts of terrorism which disrupt the diplomatic activities of States and their representatives, transport communications between them and the normal course of international contacts and meetings, and it opposes acts of violence which serve no positive end and cause loss of human life.[26]

Gromyko listed precisely those functions of state-to-state diplomacy in which the Soviet Union has almost as much stake as any other nation. Acts of violence by revolutionary movements, however, have a "positive aim" and therefore are not condemned.

Terrorism and freedom fighting, as presently manifested in the international system, are by and large part of a seamless web. Soviet doctrine remains unchanged, which helps to preserve a fiction it is in the USSR's interest to preserve. But what of changed times, where the capitalist oppressors lack the will they possessed when the doctrine was formulated? Would communist doctrine turn out to be merely *tactics*? So far the answer is an ambiguous no; the distinction has been sustained, but presumably for a practical and tactical reason, namely, continued Soviet benefit from leaving doctrine as it is.

The benefits are several. Political violence of factions and guerrilla groups has led some states to trade Soviet aid off against base facilities for Soviet forces — as in Somalia and Syria — opening the door to Soviet influence. Political violence more generally has weakened the coherence of the Western alliance. The very fact that such a notion would be routinely rejected in the West is further evidence of a gain in the semantic warfare waged so successfully by Soviet propaganda.

Two remaining questions must be considered. Are we witnessing an ephemeral phase of history that must inevitably work against the West, as that collectivity has been envisaged in this essay? Is there anything we can do about the violence, whether or not it is a permanent fixture of our scene?

The argument in favor of ephemerality would point out that much of the political violence in the world has been generated by a relatively few generic causes, and the solution of these problems would end the trouble. No one can gainsay the central role of the Palestinians in generalizing political violence as an important phenomenon of our time. If and when a Palestinian state is established, it would presumably absorb the best energies of its former terrorist leaders, much as creation of the new state of Israel a generation earlier put the leadership of the Irgun to constructive work. It can be argued that if one stamps out the Palestinian element, the states of Europe can deal with the rest.

[25] The parallel with the Soviet attitude toward détente is instructive. There, the rule would seem to be to take advantage of Western receptivity toward détente, up to and including the point where the asymmetry is noted on the Western side, at which time concessions can begin to be made.

[26] Address of Andrei Gromyko, UN General Assembly, 27th Session, Plenary Meetings, 2,040th Meeting, September 26, 1972, p. 10, par. 116.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

The same may hold for racism in southern Africa. Once the great wave of decolonization has washed over southern Africa down to the Cape of Good Hope, the instability and insecurity in that continent will be terminated; Africans can focus their energies on development, rather than on exporting commandos to Rhodesia-Zimbabwe or Southwest Africa-Namibia.

On the other side of the argument are two points. Firstly, the past decade's wave of violence came at a time of great technological developments in weapons systems and explosives whose use might otherwise have remained enshrined in the mythology of the state. As it is, major terrorist groups, even if they were to disappear tomorrow through a satisfaction of their demands, would have passed on to their successors everywhere the learned capabilities at this new level of technology.

Secondly, as yet untried techniques of violence could hold entire societies at ransom — without a guarantee that some James Bond would save the day. We hear more and more about nuclear terrorism, about which there is an increasing sense of inevitability, but less about actual measures to prevent it, at least in the private sector. (At the governmental level, substantial and intensive efforts have been undertaken to make nuclear arsenals invulnerable.) We hear still less about the possibility of CBR (chemical, biological, radiological) threats, which may be equally serious. This is an area where Soviet capabilities are vastly greater than those of the United States.

Nor, given the "correlation of forces" as they are and the willingness of major segments of Western society to rationalize away the benefits to one party of the instability, chaos and violence in the world, should we count on Soviet willingness to refrain from stimulating further violence even if the Palestinians and black Africans were to attain all their demands.

At a more systemic level, a question that might be posed is whether the world is merely witnessing a phase in a cycle. Indeed, interest has been revived recently in the Kondratieff cycle,[27] named after the great Russian economist who in the late 1920s described a recurrent, roughly fifty-year cycle of activity in industrialized society; its downward slope was characterized by turbulence as political institutions lagged in adjusting society to the technological change that had generated the upward swing at the cycle's start. If we accept Kondratieff's theory, it is clear that we are on schedule in the late 1970s, heading into a predictable period of unrest and violence. Yet previous cycles occurred for the most part in an industrialized world that was not polarized, with no great power ready and able to take advantage of those vulnerable down-side moments. Today for the first time Western society is at risk.

What is to be done, if the analysis herein is correct? A number of practical measures, discussed in other articles in this issue of ORBIS, can be taken in order to render more difficult the commission of terrorist acts that are disrupting our lives, and to affect the world balance of forces in a manner advantageous to the West. But these are palliatives only, dealing with symptoms, however important. Dealing with causes may not only be more difficult, but also impossible.

[27] See in particular James B. Shuman and David Rosenau, *The Kondratieff Wave* (New York: World Publishing Company, 1972), and W. W. Rostow, "The Developing World in the Fifth Kondratieff Upswing," *Annals of the American Academy of Political and Social Science*, July 1975.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Year after year the question of political violence has been brought up at the United Nations, for example, only to be routinely postponed to the end of the session, when little attention can be paid to it. Still, in December 1972, on the recommendation of the Sixth Committee, and after heated discussion, an *Ad Hoc* Committee on International Terrorism was appointed by the General Assembly president. It met from July 16 to August 11, 1973 in an attempt to draft a report, but because it was a microcosm of the assembly from which it was appointed, it got no further. The report observed:

> Two main trends emerged with respect to the orientation to be given to the measures the *Ad Hoc* Committee was required to elaborate. According to the first trend, the measures should essentially be directed against acts of international terrorism which were occurring with increasing frequency. . . . According to the second trend, the measures to be elaborated should be directed against the situation as the very root of acts of individual [*sic*] terrorism. . . .[28]

Some on the committee thought it might be possible to "borrow from each of the two trends," and some noted that states, unlike the international community, did not "wait for the underlying causes of crime to be identified before enacting penal laws."[29]

Clearly the solution will not come from the United Nations. In view of the West's disarray as seen in 1976, neither will it come from that group of countries with the most to lose, at least not in any formal and coherent manner. No particular development is in sight which would dampen the ardor of revolutionaries — whether ethnic secessionists, Marxist-Leninist ideologues or Libyan-sponsored commandos. Because the "appetite comes with the eating," in this situation as elsewhere, we should expect great increases in political violence, in proportion to its success, until the international system has found new form and a new balance. The fact that it is human nature to look for hopeful developments does not in itself make them occur. A sober view of how bleak the position is, shared by free men throughout the world, is a necessary first step before anything can be done about political violence within the structure that permits it, the independent nation-state.

[28] Report of the *Ad Hoc* Committee on International Terrorism, *General Assembly, Official Records*, 28th Session, Supplement No. 28 (A/9028) (New York, 1973), p. 17, par. 54.
[29] *Ibid.*

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

CONTROLLING POLITICAL TERRORISM IN A FREE SOCIETY

by John B. Wolf

SKYJACKINGS, abductions, bombings, wanton slayings and the seizure of hostages and government buildings are among the tactics employed by political terrorists, whose victims range from helpless school children, religious pilgrims, vacationing travelers and business executives to diplomats, government officers and dignitaries. In the first three months of 1975, acts of terrorist brutality came in swift succession: in New York City in late January; then in Israel, West Germany and Argentina as the winter progressed. During the spring and early summer, terrorist episodes included the seizure of the West German Embassy in Stockholm, the abduction of American students in Tanzania and the kidnaping of a U.S. military officer in Lebanon.

Later, terrorist acts perpetrated in December proved to be the most awesome of the year. During that month armed East Asian terrorists, attempting to gain worldwide recognition of South Molucca's right to independence from Indonesia, held a total of forty-nine hostages on a hijacked train in northern Holland and in the Indonesian Consulate in Amsterdam. Also, shortly before Christmas, a cell of Irish Republican Army (IRA) gunmen surrendered to British police after being involved in a protracted hostage situation in a residential section of London.

Strategic Considerations

Political terrorism may be defined as the threat or use of deliberate violence, indiscriminately or selectively, against either enemies or allies to achieve a political end. The intent is to register a calculated impact on a target population and on other groups for the purpose of altering the political balance in favor of the terrorists. Thus, terrorist activities, when directed against democratic states with a plethora of minority groups, or against states that contain historically antagonistic peoples—Israel, Northern Ireland, Cyprus and Zaire, for example—seem to be aimed at discrediting the existing government by provoking it to concentrate its coercive power on a particular segment of the population with which the terrorists try to identify.

Phrased another way, the terrorist's strategic intent is to destroy the confidence a particular minority group has in its government by causing that government to act outside the law. Always, terrorist strategy aims not to defeat the forces of the incumbent regime militarily — for the terrorist this is an impossible task — but to bring about the moral alienation of the masses from the government until its isolation has become total and irreversible. The terrorist therefore strives to implement a protracted campaign of violence designed to make life unbearable for a democratic government as long as his demands remain unsatisfied. Unfortunately, some governments submit to terrorist demands, thereby obtaining a temporary respite, in preference to risking a counter-terrorist campaign that might serve only to isolate them further from large segments of the population. Later, many of these same governments find themselves confronted with additional terrorist

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

demands.[1]

Although expensive in terms of both human life and property, the most effective counterstrategy for a liberal democratic society seems to be one that ignores these demands, since submission to terrorists only serves to reinforce their behavior. Attempts to reason with individuals committed to the principle of "direct action" (bombings, kidnapings and the like) as the only effective way to bring about the instant change they demand are extremely risky. Furthermore, many terrorists are impatient, impulsive young people who are infused with an unrealistic idealism bordering on the irrational, and who consequently view all mechanisms of peaceful change with contempt.

Coordination and Cooperation Among Terrorists

The rapid progress of technology in the past decade has contributed its share to the growth and danger of terrorism worldwide. Equipped with fraudulent credentials of excellent quality, terrorists use regularly scheduled jetliners to transport themselves by way of circuitous routes to the target area; there, prearranged contacts with other terrorist organizations provide them with site information, surface transportation, plastic explosives and automatic weapons. Safe-house networks, which afford cover and concealment for covert activities, have been established for their use in American and European cities. Additionally, there is some evidence that elaborate "exchange attack systems" and "joint action commitments" have been concluded among terrorist groups of various nationalities.[2] The Cuban Intelligence Service, believed to be dominated by the Soviet KGB, is allegedly responsible for the development of a liaison network used by some American and European terrorist organizations.[3]

The first signs of an international exchange and pooling of weapons and information among terrorist groups emerged about five years ago, when information filtered into the press about American Weathermen, IRA gunmen and Turkish Dev Genc terrorists attending summer training sessions at Palestinian commando bases. In May 1972 additional evidence came to light when members of Japan's Red Army Group, acting in behalf of the PLO, removed weapons from their suitcases and opened fire on a group of pilgrims at Tel Aviv's airport. Moreover, Cuba has trained both Palestinian and Irish terrorists and has established secret relations with the Quebec Liberation Front (FLQ) and various German terrorist groups.[4]

Tupamaro Tactics and the Police Officer

The urban guerrilla tactics of Uruguay's Tupamaros and the widespread publicity generated by their more spectacular propaganda actions have made them the most emulated revolutionary group in the world. The Weathermen, the West German Baader-Meinhof Gang, the Symbionese Liberation Army (SLA) and other groups all imitate Tupamaro methods. The established Tupamaro propaganda tactic of hijacking trucks from food stores and dispensing their contents to slum dwellers, for example, was used by

[1] Martha Crenshaw Hutchinson, "The Concept of Revolutionary Terrorism," *Journal of Conflict Resolution*, September 1972, pp. 383-396.

[2] John B. Wolf, "A Mideast Profile: The Cycle of Terror and Counterterror," *International Perspectives*, November/December 1973, pp. 29-30.

[3] Marta Rojas and Mirta Rodríguez Calderón, *Tania: The Unforgettable Guerrilla* (New York: Random House, 1971), pp. 32-79.

[4] John Barron, *KGB: The Secret Work of Soviet Secret Agents* (New York: Reader's Digest Press, 1974), p. 22.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

the SLA about two years ago when it demanded that a multi-million-dollar food handout be undertaken in selected California cities.

Most terrorists choose targets similar to those favored by the Tupamaros: large international corporations with facilities in Third World countries, diplomats and other representatives of North American and West European states, and police officers, whom they regard as tools of the "capitalist forces of repression." Also, techniques for urban operations have been demonstrated by the Tupamaros to others who now realize that the urban terrorist "can work through so many thousands of people [that] . . . the enemy is made to feel him as an impalpable presence, until every ordinary pedestrian seems like a guerrilla in disguise."[5]

Terrorists know that this uncertainty has a profound psychological impact on the police officer, who is constantly open to harassment and feels he can trust no one, as a seemingly innocuous person or event may deal him a fatal blow. Added to the police officer's anxiety is the extreme frustration he experiences in trying to implement terrorist-control measures without incurring the ire of the citizens he inconveniences.

Under these circumstances, the police agencies of democratic states should anticipate an escalation in the number of direct terrorist attacks, which will probably include attempts to disarm, kidnap and assassinate police officers. They must train their officers to react rationally and objectively, even in that most trying situation when a fellow policeman is slain by a terrorist. Otherwise they play into the hands of the terrorist, who aims at breaking police morale and discipline, especially when a member of the news media is present. The Black Liberation Army (BLA), which killed police officers "because of their color, which was neither black nor white, but blue," tried (but failed) to employ these tactics successfully against the New York City Police Department in 1972.[6]

Police Education and Integrity

Although terrorists usually avoid communication with the police, except to obtain information on plans and events from individual policemen or through police informants working as double agents, they actively seek to identify and exploit the "contradictions, weaknesses and fissures" of the police force. Police commanders should be aware that acts of intimidation and reprisals, genuine or fabricated, will be manipulated by terrorists such as the BLA, who are also known to carry out "revolutionary justice" by executing selected police officers. The Tupamaros, particularly, are convinced that this "vigilante approach to police brutality gives excellent fruits and must not be abandoned."[7]

Police agencies, therefore, should develop and implement a comprehensive program of in-service training geared to provide every police officer with the skills in interpersonal relations and survival that are needed to cope with this aspect of political terrorism. Furthermore, "since the policing service in a free society is almost entirely a personal service, every condition in a police organization and its environment is traceable in a large measure to the acts of policemen and to the success or failure of their operations."[8] Hence, internal investigation units must be estab-

[5] Raymond M. Momboisse, *Blueprint of Revolution—The Rebel, the Party, the Techniques of Revolt* (Springfield, Ill.: Charles C Thomas, 1967), p. 282.
[6] Robert Daley, *Target Blue* (New York: Delacorte Press, 1973), pp. 402-445.
[7] Arturo C. Porzecanski, *Uruguay's Tupamaros: The Urban Guerrilla* (New York: Praeger, 1973), p. 21.
[8] O. W. Wilson, *Police Administration* (New York: McGraw-Hill, 1972), p. 197.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

lished or expanded in order to monitor police integrity; through a process of periodic inspections, failures and errors can be identified and corrected before they become serious and subject to manipulation by terrorists, who are always on watch for ways in which to discredit the police.

The Law and the Deterrence of Terrorism

Nationwide Uniform Penal Codes

There is some evidence that both the court and correctional components of the American criminal justice system lack a well-developed and coordinated program designed to handle the terrorist who operates within our free society. Managers of these components seeking a solution to this problem would do well to take note of the British approach to terrorism. Once confronted with terrorism, the British strengthen social sanctions and act on the supposition that counterterrorist operations should be a part of normal police work and not a kind of social engineering.[9] This approach seems more sensible than the current American method, which is to undertake long-overdue preventive measures as a consequence of immediate terrorist pressure; indeed, the American response is counterproductive since it can be manipulated by terrorist propagandists to aid their cause. A prerequisite to the adoption of the British approach is nationwide enactment of uniform penal codes, which many of the fifty American states presently lack. Pending before Congress, a 753-page bill known as S. 1 would give the nation its first real criminal code: Bill S. 1 seeks to restore the death penalty for certain federal crimes by amending federal law to take account of the Supreme Court's 1972 decision, which held that the death penalty was unconstitutional because it was capriciously imposed.

The Discretionary Death Penalty

On August 5, 1975, the United States moved toward legal uniformity with the enactment of Public Law 93-366, which reimposed the death penalty — subject to a special hearing and assurance by a jury that there were no mitigating circumstances — in hijacking cases involving death. This law should now be extended to cover other acts of terrorism and should no longer be restricted to hijackings, which are on the decrease. Although no one knows the exact deterrent value of capital punishment, a discretionary death penalty is of benefit if it saves the life of even one person.

The discretionary death penalty has other advantages worthy of consideration. Factual information pertaining to a terrorist organization's infrastructure or membership is not usually forthcoming from the terrorist who has received an unequivocal and unrevokable death sentence. Whereas the mandatory death penalty stops the flow of information, the discretionary death penalty can actually encourage it. Furthermore, if the penalty for aircraft hijacking, for example, is a mandatory death sentence, the terrorist has little to lose by killing everyone aboard. And yet, even capital punishment is not a deterrent for some terrorists, the totally fanatic, who are already prepared to die as martyrs to their cause.[10]

[9] Lucian W. Pye, *Aspects of Political Development* (Boston: Little, Brown, 1966), pp. 129-131.

[10] U.S. House, Committee on Internal Security, *Terrorism, Hearings*, 93rd Congress, 2nd Session, May 8, 14, 16, 22, 29-30, June 13, 1974, Part 2, pp. 3222-3223.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Improved Court Management

It is important that terrorists be brought to trial within sixty days after apprehension so that maximum benefit may be derived from the discretionary death penalty laws. Consequently, court management procedures and policies must be devised to reduce the delay — presently eighteen to twenty-four months — between the apprehension and trial of those few terrorists who finally do stand before a jury. Terrorists are acutely aware that only a few of the Arabs responsible for the hijackings, kidnapings and execution of hostages over the past few years have suffered meaningful punishment after capture. Many, incarcerated for extended periods pending prosecution, were freed in compliance with the demands of their compatriots, who meanwhile held innocent people as hostages. It was this sort of extortion that forced the West Germans to release the three surviving members of the Munich team of killers late in 1972.

West Germany has also been subjected to numerous demands and onslaughts by resurgent members of the Baader-Meinhof Gang who seek the release of their leaders and about thirty gang members captured in 1972.[11] Clearly, terrorists must be made to realize that if found guilty they will be swiftly punished, and that demonstrations, petitions or violence in their behalf will be futile.

Ransom Laws

A federal law making it illegal to pay ransom could serve as another deterrent to terrorism. True, it would be most difficult, perhaps counterproductive, to prevent people from paying ransom to obtain the release of loved ones. But, at a minimum, income-tax laws could be revised so that American corporations could no longer deduct ransom payments as business expenses. If this measure should prove impracticable, perhaps the companies themselves will come to recognize that ours is a difficult world and will make nonpayment of ransom a matter of corporate policy.

Terrorist propaganda tactics, such as the SLA demand for distribution of food to the poor in the Patricia Hearst case, can help to create a "Robin Hood" mystique.[12] Therefore, Congress might also consider passage of a law making it a crime for a third party to receive the benefits of a ransom payment.

The Hostage Problem: What Is To Be Done?

The Official Hostage Policy of the United States

For law enforcement officials around the world, terrorism and its effects have become a recurrent nightmare, particularly when "nonnegotiable demands" are issued for the release of prisoners, ransom money, or safe passage to another country. Is the safety of hostages to be secured at any cost? Or must their lives be risked to discourage other terrorists and save future victims? Forced to confront the problem through a heavy overlay of politics, emotion and history, different countries have found different answers. The Israelis argue that hijackings and other extortion attempts would escalate if they complied with terrorist demands. This refusal to deal with terrorists is a difficult decision, however, for Israel is also concerned with the hostages' well-being. It is nevertheless a neces-

[11] Melvin J. Lasky, "Ulrike and Andreas," *New York Times Magazine*, May 11, 1975, pp. 73-79.

[12] U.S. House, Committee on Foreign Affairs, *International Terrorism, Hearings*, before the Subcommittee on the Near East and South Asia, 93rd Congress, 2nd Session, June 11, 18-19, 24, 1974, pp. 68-69.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

sary choice: when one sees assassins released by the authorities in order to protect hostages, it becomes obvious that terrorists will thrive on the common decency of peoples and governments.

America's official hostage policy closely resembles that of Israel; namely, "no deal" with terrorists. The United States formulated her policy in 1973 when several persons, including an American diplomat, were kidnaped by Arab terrorists in the Sudan. At the time, President Nixon declared that the United States would not meet any demands to secure the release of the hostages, on the grounds that this would encourage political kidnapings and other terrorist acts. The U.S. diplomat was killed, but the federal government has not strayed from its decision to refuse to yield to extortion or blackmail anywhere in the world. A corollary to this policy is that it is the host country's responsibility to assure as far as possible the safety of American diplomats and American citizens in its jurisdiction.[13]

The argument against acquiescence is persuasive. Still, there is little hard evidence that the tough approach is best. Psychiatrists have found, in fact, that political terrorists are often paranoid schizophrenics with overt suicidal tendencies — a deadly species. To this kind of mentality, death is not the ultimate punishment; it is the ultimate reward. Consequently, law enforcement agencies should realize that in many cases a terrorist does not take hostages in order to achieve some preconceived goal; rather, he dreams up a goal in order to take hostages.[14] He seeks a pretext to stage a production for all the world to see.

"The Hostage Must Live" Concept

One big gap in the existing American public-security system — one which should be narrowed if terrorists are to be discouraged from operating in this country — is the lack of a nationwide uniform hostage policy. Generally, the hostage policy adhered to today by local and state police departments is in substance that "the hostage must live." This is in direct opposition to official federal policy, but it seems unlikely that in practice the two policies would come into conflict. If, for example, Arab terrorists hijacked an airliner at Kennedy International Airport and demanded the release of Sirhan Sirhan in exchange for the lives of the hostages they held, the entire event would fall within the jurisdiction of the federal government. The FBI would handle enforcement within the FAA's jurisdiction, and a federal official would most probably reject the demand to free Sirhan, who is held in San Quentin Federal Prison.[15]

If, to take another example, a terrorist group seized a hostage within New York City and demanded safe passage to the nearest international airport, the New York City police, in compliance with the city's hostage policy, would submit to the demand, assuming that the only alternative would be the hostage's death. Once the terrorists and their hostage entered FAA jurisdiction, what would happen is not clear. Would the federal authorities who take over jurisdiction bargain with the terrorists, or would they refuse to deal? It is assumed that they would not deal, and that New York City's hostage policy would be negated. But no one knows for certain how such cases of overlapping jurisdiction will be handled. Consequently, discussions should be held among federal, state and large-city officials in order to resolve all possible points of conflict and confusion.

[13] *Terrorism*, Part 2, pp. 3133-3138.
[14] Gerald Arenberg, *Hostage* (Washington: American Police Academy, 1974), pp. 22-26.
[15] *Ibid.*, p. 15.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

The political terrorist depends on supportive publicity to help him convince the public of the urgent need to correct societal conditions that he finds wanting. He must therefore get across the point that moderate measures and the extended democratic process are not sufficient to bring about the immediate change and social equality he demands. To this end, he must beguile the press into seeing his use of terrorist tactics as a clear response to the denial of basic freedoms to a politically identifiable group that must be "liberated." Without credible publicity skewed to this consideration, he risks rejection of his activities as illogical and intolerable behavior and could find himself temporarily neutralized.

Thus, a public relations assessment is a prerequisite to any terrorist plan and serves as the factor controlling its intensity, direction and duration. This evaluative process is called, in the rhetoric of the Tupamaros, a diagnosis of the *coyuntura;* that is, "the political, economic, military and organizational conditions of both the society and the social movement."[16] In this context, the release of the British ambassador to Uruguay, Sir Geoffrey Jackson, after his capture by the Tupamaros in January 1971, suggests that his captors realized that there was nothing further to be gained and much to be lost by killing or retaining the ambassador. The news media were already well acquainted with the Tupamaro program, the British government would give nothing to save Sir Geoffrey's life, and at the time they kidnaped him the "Robin Hood" Tupamaros were already a Uruguayan institution.[17]

Since freedom of the press is basic to our concept of a free society, however, it is difficult to devise any kind of restraint that would be accepted voluntarily by the news media. The media have, on occasion, reported terrorist activities in such a way that the practitioners were encouraged to believe they were extremely important persons. A greater degree of cooperation between federal intelligence agencies and the news media, in the form of an educational effort, might alert all concerned to the contagious nature of terrorism and to the fact that terrorists are not reformers and idealists but criminals, who should be treated as such in news releases.

In crisis situations television crews should practice objective reporting, free of embellishment, so that they do not exacerbate a situation the police are attempting to control. They might also voluntarily agree not to provide their audiences with specific locations of violence until it has been contained by the police. This practice would reduce the large numbers of people drawn to such sites by news reports, thereby creating additional problems of crowd control and taxing already overextended police manpower — or even serving the terrorists directly by expanding a mob already under their control.[18]

All in all, the media might strive to strip terrorists of their self-delusions, instead of providing them with several million dollars' worth of free publicity. To protect against this sort of inadvertent cooperation by the press, the British have subjected their newspapers to the "D-notice" system, under which the press is notified

[17] Sir Geoffrey Jackson, *Surviving the Long Night — An Autobiographical Account of a Political Kidnapping* (New York: Vanguard Press, 1973), pp. 208-211.

[18] In June 1975, within ninety minutes of the crash of an Eastern Airlines passenger jet in New York, NBC was on the scene with electronic cameras ("minicams"). Half an hour later, the NBC broadcast of the event was being watched by nearly three times the normal 6:00 p.m. audience (1.5 million versus 500,000). John Corry, "Many Moods at Scene of Crash," *New York Times,* June 25, 1975, p. 1.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

prior to publication when a particular news item could violate security laws.[19] For a free or "open" society like the United States, however, media self-restraint and not the institution of censorship seems to be the best approach. This openness is one of our strongest weapons, for it accelerates mutual understanding and reduces barriers to rapid social development.

The Police Task Force

Although pressured by news publicity to respond dramatically to a terrorist situation, the police of a free society must be careful not to overreact and enhance the terrorist's popular image. An example of carefully calculated police response to terrorism is provided by events on the island of Bermuda in March 1973; namely, the murder of the governor general, Sir Richard Sharples, and his aide. Although the media reported the possible implication of a politically motivated insurgent group known as the Black Cadre, the British felt that a team of detectives from Scotland Yard should investigate the matter calmly and prepare the normal reports. These police reports were then used to assess the situation and shape future response if any should be required. Meanwhile, the Black Cadre did not benefit from any publicity it might have been seeking, nor were its activities considered by the media as a formidable factor in Bermudian affairs.[20]

Essentially, the value of the task force approach is that it concentrates specially trained manpower on a single case. In May 1975 the West German government created a terrorism-control branch within the national police, the Federal Criminal Office, to search for members of the Baader-Meinhof Gang who are still at large. A few years earlier the New York City Police Department had also used the task force approach in order to counter and eliminate attacks by the BLA on its personnel. In the latter case, a team of detectives was assigned to collect information on individuals associated with the BLA and to coordinate the activities of police officers working undercover within that terrorist group. Only detectives actively involved in the investigation were privy to all field reports, and sensitive information was consequently not leaked to the press.[21]

In the United States today, a few police vice-control units have considerable expertise in the ties among organized-crime figures on which the syndicate relies to extend its criminal conspiracy. Many of these organized-crime structures and networks are akin to those maintained by political terrorists. Consequently, police methods used in organized-crime control might also be used effectively against terrorists. For years the police have tried unsuccessfully to eliminate the Mafia; they have not failed because their methods are ineffective but because it is difficult to conduct a prolonged intelligence operation unjustified by the kind of performance statistics that elicit higher budgetary appropriations. Thus, only a few detectives in a handful of large, urban police departments have the training and experience needed to control organized conspiracies or to handle the public security aspects of municipal-police intelligence operations.

[19] Alvin Shuster, "Secrecy Veils British Intelligence Service," *ibid.*, October 28, 1974, p. 7.

[20] John B. Wolf, "Terrorist Manipulation of the Democratic Process," *Police Journal*, April/June 1975, p. 110.

[21] Albert A. Seedman and Peter Hellman, *Chief* (New York: Avon Books, 1975), pp. 419-498.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

The Cabinet Committee Working Group

After the 1972 Munich tragedy, which illustrated that international terrorism had reached the point where innocent people anywhere could be victimized, President Nixon directed Secretary of State Kissinger to chair a Cabinet Committee whose assignment would be to identify the most effective ways to prevent both domestic and international terrorism. Responding to the president's order, the secretary of state formed such a committee and established a Cabinet Committee Working Group, composed of senior representatives or agency heads of the groups represented in the Cabinet Committee. Although members of the working group are in close contact as issues arise and incidents occur, the committee itself rarely meets.[22]

The working group's function is (1) to ensure collaboration among U.S. agencies and departments with domestic and foreign responsibilities and (2) to recommend countermeasures that can close gaps in the security screen around Americans at home and abroad, as well as foreigners in the United States, whom the agencies represented in the working group help to protect. With respect to the task of protection, the working group relies heavily on the customary local and federal agencies. Thus, it is kept informed by the FBI of the international potentialities or implications of domestic terrorist groups and uses the CIA as an important tool in foreign incidents.

The working group devotes most of its efforts to the collection of information on terrorism, which it uses to improve deterrent procedures in the United States and overseas, and in this area it performs quite well. It is active in pressing for the ratification of important multilateral conventions on hijacking and for the adoption of International Civil Aviation Organization standards designed to improve the security of international airports worldwide. The group also works with the United Nations; however, its discussions with groups of UN members often get bogged down in debate over the issue of justifiable versus illegal violence.

Unfortunately, working group members do not handle terrorist matters on a continual basis but rather provide input into the group from their respective agencies and obtain information in return only as incidents occur. Task forces have thus been established by the group to study incidents after they take place; this was the case with the unsolved murder of the Israeli attaché in Washington (July 1973) and the assassination of two Turkish diplomats in Santa Barbara, California (January 1973). Some events occur so quickly, however, that the working group does not respond. In cases where the group becomes involved, its task force is disbanded once the incident is over.[23]

The Counterterrorist Assessment and Response Group

Although the American public is largely against surveillance, data banks, dossiers or any other facet of a long-term intelligence operation, intelligence is still the only way we can learn about terrorist plans and predict terrorist acts. Consequently, there is a definite need for legislation to establish a Counterterrorist As-

[22] *Ibid.*, pp. 13-30.

[23] The members of the Cabinet Committee are the secretary of state, the attorney general, the secretary of defense, the director of the FBI, the director of the CIA, the secretary of the treasury, the secretary of transportation, the president's assistants for national security and domestic affairs, and the U.S. ambassador to the United Nations. The working group includes the senior representatives of Cabinet Committee members listed above and nineteen other agencies; other participants are included on an *ad hoc* basis. *International Terrorism*, pp. 13-14.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

sessment and Response Group at a high level of the national government. The activities of this group would supplement the work of the Cabinet Committee Working Group and serve as an immediate information resource for other authorized agencies. It would not duplicate the work of the CIA, which is restricted by law from performing internal security functions. Nor would it supplant the FBI, which does not collect intelligence abroad or employ analysts with sufficient expertise in international politics to function in a strategic public security capacity. This new group would be staffed with people who know how to gather and analyze public security information from both domestic and foreign sources for regular dissemination to law enforcement agencies on a "need-to-know" basis.[24]

The Counterterrorist Assessment and Response Group should contain three primary units: an assessment unit, a teaching unit and a response unit. The *assessment unit* would receive information on terrorists from members of the Cabinet Committee Working Group, municipal law enforcement agencies and the response unit. It would then process this information for its own use and for dissemination in strategic reports to other agencies. The *teaching unit* would provide training for local law enforcement agencies in subjects relating to terrorism that are not currently taught by the FBI. Initially, the teaching team would concentrate on developing the skills of persons assigned to existing public security intelligence units, which were established by many large urban police departments when they realized that their detective bureaus could not handle the work.

The *response unit,* composed of experts in such disciplines as management, law enforcement, psychology and public relations, would travel to the site of a terrorist act whenever an American citizen or corporation is involved. Although fully respectful of the sovereignty and sensitivities of other nations, the jurisdictions of other agencies and, of course, the wishes of the victim, the response team would urge other governments to accept all the American resources that could be put at their disposal, including intelligence and communications. Additionally, the response unit would collect specific field information for the assessment team on foreign terrorist groups with the capability to infiltrate highly trained teams into the United States.

Computerized Information Systems

To accomplish its mission, the Counterterrorist Assessment and Response Group would have to be provided with data from sophisticated information systems such as the CIA's "Octopus" bank. "Octopus," a computerized file maintained at the CIA's headquarters in Langley, Virginia, can match television pictures of known terrorists and their associates against profiles contained within the system. The television pictures are taken in various overseas airports, bus terminals and other transportation centers. In microseconds, "Octopus" can analyze a picture along with the information already in its file on targets in the area and the equipment and skills required to attack them successfully. Within a few minutes after the analysis, a radio alarm can be transmitted to a counterterrorist team who can in turn apprehend the terrorists. Thus detected and accused of criminal intent, terrorists have often been "flabbergasted at being presented with plans

[24] *Terrorism,* Part 2, pp. 3086-3190.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

they hadn't yet made."[25] To be sure, the use of television and other forms of surveillance in a free society must be carefully controlled and tightly monitored. Also, the managers of these information systems must be extremely careful that they are not used for purposes abhorrent to a free society.[26]

Liaison Between Federal and Local Law Enforcement Agencies

Federal agencies, though aware of the threat posed by terrorism, have found it most difficult to cooperate, even with other federal agencies, to put it down. It is understandable, therefore, that they have been unable to develop any lasting and mutually beneficial liaison with local police departments. A properly organized and legally empowered Counterterrorist Assessment and Response Group could help to remedy this situation, since its teaching and assessment teams would be working constantly with municipal police agencies.

American law enforcement's deficiency in the realm of cooperation is plainly evident. Eighteen federal strike forces have been established to combat Mafia-dominated organized crime throughout the United States. The record of these forces can be described charitably as "mixed," and until recently U.S. attorneys have urged their dissolution on the grounds that the various federal agencies pooled in the strike forces tend to compete with and distrust each other. Among the federal agencies normally grouped into these strike forces are the FBI, the Drug Enforcement Administration, the Immigration and Naturalization Services, and the Alcohol, Tobacco and Firearms Division of the Treasury Department. Many of these agencies are also included in the Cabinet Committee Working Group.

There is some justification, however, for this competition and mistrust. One strike-force attorney, asked by a reporter to show FBI charts on the Mafia, replied sardonically, "They'll hardly show them to us." When asked why, the attorney replied, "Well the bureau has the attitude that one day you're a prosecutor, and the next day you're a defense attorney." This is frequently true of the young attorneys who work in the federal strike forces and in the U.S. Attorney General's Office, where a prosecutor's term averages three years.[27]

Local Police Forces and Public Security Intelligence

In a free society, a public security intelligence unit must be particularly responsive to the legal principles and public policies that develop with respect to the collection, storage and dissemination of domestic intelligence. At the same time, it is imperative that such activities be continued because they are critical components of other operations undertaken to control both terrorists and covert, organized criminal groups. Intelligence operations also enable law enforcement agencies to make the informed judgments and preparations required to police adequately the disorders, meetings, rallies, parades and strikes that take place in their jurisdiction. Therefore, to ensure that this vital task is completed without violation of civil rights, certain measures must be carried out.

[25] Miles Copeland, *Without Cloak or Dagger: The Truth About the New Espionage* (New York: Simon & Schuster, 1970), pp. 16-24.

[26] "Palestinians Planning to Review Tactics," *New York Times*, November 24, 1974, p. 3.

[27] Mary Breasted, "Gallos vs. Columbos: [illegible]ut End," *ibid.*, September 22,

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

All police working in intelligence units, including undercover agents, must be given intensive instruction in relevant constitutional principles, especially those embodied in the First, Fourth and Fourteenth amendments. This training should take place on initial assignment to the unit and periodically thereafter. It is urgent, also, that intelligence units draft, adopt and enforce guidelines and procedures for the recording and storage of information in public security files and for the intra- and extra-departmental dissemination of these data. Perhaps the most critical of the guidelines are those having to do with the use of informants. The steps to be followed in the processing, registering and payment of informants must be clearly spelled out, and all intelligence units must have a legal adviser who will evaluate and continually review the unit's procedures to see that they keep up with current legislation and judicial decisions. It is important, too, that a Criminal Source Control Office be created to legitimize and ensure the most efficient use of intelligence obtained from informants.

In order to control political terrorism, police intelligence units must have strategic and tactical analytical capabilities, as well as traditional field-information collection units and sources. These requirements can be met by establishing public security intelligence modules. The module concept works in the following manner. A team of field investigators and a public security desk analyst work together as a unit, concentrating on a specific area of concern, such as right-wing or left-wing extremist groups; this enables police officers to become expert in a specific problem within a relatively short time.[28] The module would also facilitate the instruction of public security analysts by the Counterterrorist Assessment and Response Group.

Once a public security intelligence module is established, it is important that the supervisor keep its activities focused on the strategic aspects of its area of concern (for example, such things as target analysis or propaganda techniques in the case cited above). At the same time, he must ensure that its work is current and yields recommendations with regard to tactics. Thus, each module should be organized according to study area (dignitary protection or terrorist groups, for example) and not according to function (strategy or tactics). Also, the various modules should be placed within the framework of a unified intelligence division to which all intelligence, department-wide, is directed. Information can then be exchanged efficiently — a goal further facilitated by uniform filing techniques that enable cross-referencing among all areas of concern.[29] It follows that another task for the Counterterrorist Assessment and Response Group could be to establish a uniform, nationwide reporting and classification system to expedite intra- and extra-departmental dissemination of terrorist information. The system used by the FBI's National Crime Information Center might serve as a model for such standardization.

Because of the complex political, economic, sociological and psychological factors surrounding the problem of terrorism, many police officers lack the education and training needed for proficiency as public security desk analysts. Consequently, urban police departments with a shortage of desk analysts should obtain

[28] Howard A. Metzdorff, "The Module Concept of Intelligence Gathering," *Police Chief*, February 1975, pp. 52-53.

[29] Arthur Grubert, "New York City Task Force," in International Narcotics Officers' Association, *14th Annual Conference Report* (New York: International Narcotics Enforcement Officers Association, 1974).

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

qualified specialists from outside sources. Local or regional colleges and universities can often provide suitable personnel, and the Counterterrorist Assessment and Response Group could help to train them.

The police department's patrol division should remain the primary collector of "street information." Complementing this service, a uniform field-reporting system, compatible with data processing equipment, should be designed and implemented. Such a system will make it possible to process reports of terrorist incidents and terrorist plans without delay.

In order to enhance the ability of the ordinary patrolman to gather information on groups with terrorist potential, a series of pertinent lectures should be added to in-service training programs. In addition, recruit-training schedules should include a block of time devoted to political terrorism. The development of curriculum and related materials could be accomplished by the Counterterrorist Assessment and Response Group. All of these educational programs would supplement, not replace, existing specialized programs conducted by other agencies (for example, the training in protection of dignitaries provided by the Secret Service).

A Battle Plan to Meet the Terrorist Threat

Confronted with proliferating and increasingly sophisticated terrorist groups at home and abroad, on the one hand, and the necessity to maintain the basic constitutional freedoms and safeguards that are the hallmark of a democracy, on the other, the United States must develop new programs and policies to combat political terrorism. In America today, by virtue of a process of governmental debate and freedom of the press, it is fortunately almost impossible to undertake a program of pure repression. If we examine the political culture within which Americans function, it is evident that there exist well-defined convictions about what the government may or may not legitimately do and a broad consensus on the fundamental rights of man. Our democratic system is thus both a necessary and a sufficient limitation on the use of repressive force. Moreover, any illegal action by a democratic state is undertaken with peril since it can be manipulated by the terrorist to serve his own purposes. But Americans' desire to maximize individual freedom also blinds them to the dangers presented by political terrorism and at times prevents them from seeing the necessity for deterrent action.

Consequently, the federal government should embark on an educational program designed to inform the public about all aspects of political terrorism, particularly the difficulty of combating it within a free society. Once made aware of the seriousness and extent of the problem, the American people might give their support to the institution of uniform penal codes, the discretionary death penalty, improved court management programs, laws constraining the payment or receipt of ransom, and other measures necessary to control terrorism. Such a program would also help Americans to understand the rationale behind the government's official hostage policy and thus accept it as a painful necessity. The program would be aimed additionally at heightening the news media's awareness of terrorist tactics intended to obtain publicity and public sympathy and could serve to warn the policeman on the beat to guard against being manipulated by the terrorist into violating his code of conduct.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Apart from educational measures, the government should expand the scope of the Cabinet Committee and its working group and battle for legislation that would establish a full-time, highly specialized Counterterrorist Assessment and Response Group as described above. Units of this new group would perform several vital tasks: education of police agencies' public security analysts, assessment of the domestic and international aspects of terrorism, development of a consolidated terrorist-information system, study of significant terrorist incidents around the world, and support of the Cabinet Committee and its working group. Once the counterterrorist group is established, however, it is mandatory that proper safeguards be implemented and that procedures be established to regulate its computerized intelligence system. Moreover, the group must make its information available to local law enforcement agencies and to other federal agencies.

Meanwhile, it is imperative that public security operations be continued by local police agencies and that they be made responsive to the legal principles and public policies developing in the United States today. Police intelligence units should be upgraded in the areas of personnel selection and training, information-handling techniques and organization. Furthermore, the men and women of the press and in Congress who relentlessly investigate the activities of the American intelligence community must take care not to undermine the effectiveness of the CIA as a global collector of information on terrorist matters, or that of the FBI as the nation's primary guardian of internal security.

In our highly politicized age it would appear that the dangers posed worldwide by political terrorism are likely to continue into the immediate future. Americans must therefore be prepared to cope with terrorist acts that will almost certainly occur in their cities. No doubt some will argue that there is no way to guard against the unknown and the unseen and will oppose the expenditure of tax dollars for preventive measures. This sort of fatalism can result in terrorist incidents that might otherwise have been prevented — incidents that will be both costly and internationally embarrassing. It would be foolish to pretend that the tide of sabotage, extortion, bombings and hijackings can be totally turned back. But if we are not to surrender to lawlessness, we must expand present efforts to make terrorism less effective and less attractive as a political weapon.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

NEGOTIATING FOR HOSTAGES: A POLICY DILEMMA*

by Edward F. Mickolus

IN THE past decade the world has seen the rise of a new type of actor on the global stage: the international terrorist group. To gain headlines and increase public awareness of their cause, these bands have engaged in the assassination of government leaders, the sabotage of critical facilities, the bombing of embassies and foreign corporations, assaults on military installations, skyjackings, kidnapings of diplomats and businessmen, and takeovers of embassies to hold their staffs for ransom. The latter three situation-types, which involve the taking of hostages, will be the concern of this article. How great a problem do we face? Are there any trends we can discover? Is the problem worsening? Can any nation consider itself safe from such attacks? Are certain nations being singled out for terrorist assaults of this kind? What groups are engaged in this activity? What is it they want? Finally, what can and should we do when faced with such situations?

The Scope of the Problem

The barricade-and-hostage scenario produces the first situation-type in which a nation or corporation may find itself faced with the question of negotiating for hostages. In it we find terrorists seizing one or more hostages but making no attempt to leave the scene of the crime. Negotiations are carried on with the perpetrators themselves effectively being held hostage, unable to leave the scene when they choose. This situation frequently climaxes an incident in which the seizure of hostages is not the terrorists' primary aim: e.g., a bank holdup in which the robbers are discovered by the authorities before they are able to escape, whereupon the group seizes any persons who happen to be handy, or an attack on an airport lounge or a residence, in which hostages are seized in order to secure the free passage of the terrorists — or murderers — away from the site.

The second type is the more stereotyped kidnaping, in which a diplomat or businessman is taken to an underground hideout and held for monetary ransom, release of prisoners, publication of the group's manifesto, and the like. Our third type is a special case of aerial hijacking. We can distinguish among those situations in which the hijacker is merely seeking a means of transportation to a nation giving him asylum (the old "Take this plane to Cuba" skyjacking), situations in which the hijacker forces the pilot to land the plane, releases passengers and crew, and blows up the plane without making any ransom demands (engaged in for shock value), and incidents in which the skyjacker makes specific demands on governments or corporations, threatening the safety of the passengers and crew. This last type of hijacking is included in our discussion.[1]

* The author thanks Bruce Blair, Raymond Duvall, Linda Kay Florence, William Foltz, Brian Jenkins, Robert E. Lane, Bob Mandel, David Milbank, Nicholas Neumann, Bruce M. Russett and H. Bradford Westerfield for their useful comments during the preparation of the manuscript.

[1] In general, one finds that more hostages are taken in aerial hijackings and barricade-and-hostage situations; kidnapers usually limit themselves to one or two persons. However, in late June 1958, Raúl Castro kidnaped forty-seven Americans and a number of other foreigners in a series of raids in Cuba.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

We can see some trends in occurrences like these in Table I, which gives a breakdown of yearly incidents from 1968 through 1975.[2] Kidnapings are by far the most prevalent hostage incident, showing a wavering but increasing trend-line over time. In 1975 more kidnapings were perpetrated than in any other year in recent memory. Moreover, the probability that the kidnapers will successfully seize a hostage has grown dramatically since the beginning of the 1970s. A steady rise in barricade-and-hostage incidents includes no known failures to take hostages in eight years, and an annual record was established in this category during 1975. The situation changes with respect to aerial hijackings. Improvements in security procedures made in 1973, together with the unwillingness of countries to grant asylum to hijackers, have led to this type of incident becoming a rarity. Overall, we have seen an erratic rise in the total number of such terrorist incidents,

TABLE I

YEARLY NUMBER OF INCIDENTS INVOLVING THE SEIZURE OF HOSTAGES[1]

Year	*Total*	*Barricade & Hostage*	*Kidnaping*	*Aerial Hijacking*
1968	1	0	1	0
	(1)		(1)	
1969	3	0	3	0
1970	35	1	27	7
	(7)		(6)	(1)
1971	13	1	11	1
	(2)		(2)	
1972	25	3	11	11
1973	46	8	29	9
	(2)		(1)	(1)
1974	23	11	10	2
1975	51	18	31	2
	(1)		(1)	
TOTALS	197	42	123	32
	(13)		(11)	(2)

[1] Unsuccessful attempts are shown in parentheses.

marked by the increased probability of successfully seizing hostages.

Table II shows where the incidents occurred[3] and is summarized regionally in Table III.

Barricade-and-hostage incidents are most widespread in the Atlantic Community and the Middle East, and aerial hijackings also fit this pattern. Such incidents can be considered a curiosity

[2] Our survey includes only those events that transcend national boundaries, whether through the nationality or foreign ties of the perpetrators, their location, the nature of their institutional or human victims, or the mechanics of their resolution. Episodes of interstate terrorism (e.g., kidnaping by government intelligence agents) are not included. Seizures occurring during the Vietnam conflict are also excluded.

The data were obtained from chronologies provided by the U.S. Department of State, the Federal Aviation Administration, the U.S. Information Agency, the RAND Corporation, and the U.S. Senate and House of Representatives; staff reports prepared for congressional committees; *Facts on File;* reports found in the Associated Press ticker; the *New York Times,* the *Washington Post,* the *Chicago Tribune,* the *Detroit Free Press, The Economist,* and various books on terrorism. Due to omissions in the reporting of some incidents, grand totals for the tables presented may be incomplete. The 197 incidents cover the period extending from January 1, 1968, through December 31, 1975.

[3] The location of an incident is considered to be the place in which it began. In the case of hijackings, the location is the nation in which the plane last touched ground before the hijackers made their presence known. In cases where the embarkation point is not known, the location is considered to be that nation in which the plane landed and the negotiations took place. If both of the above guidelines are inapplicable, the nation of registry is used.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

in Africa, but they are beginning to be suffered in Asia and Latin America. The pattern does not hold for kidnapings, for Latin America is plagued by 60 per cent of the world total. Argentina is clearly a special case, with kidnapings of domestic or foreign business leaders becoming almost a daily occurrence.[4] Ethiopia accounts for most of the African kidnapings, because of numerous raids on U.S. installations by the Eritrean Liberation Front. Lebanon has seen a dramatic increase in kidnapings in 1975, with more than 100 attempts being reported in one November weekend during the battle for Beirut. No discernible variances appear

TABLE II

SITE OF HOSTAGE INCIDENTS BY COUNTRY, REGION AND TYPE

Location	*Barricade & Hostage*	*Kidnaping*	*Aerial Hijacking*
LATIN AMERICA			
Argentina	1	38	1
Brazil	0	6	0
Bolivia	0	4	0
Colombia	0	4	2
Costa Rica	0	0	1
Dominican Republic	1	2	0
Guatemala	0	4	0
Haiti	1	0	0
Mexico	0	3	1
Nicaragua	1	0	0
Paraguay	0	1	0
Uruguay	0	9	0
Venezuela	0	2	1
ATLANTIC COMMUNITY			
Austria	2	0	1
Canada	0	2	0
France	3	2	1
Greece	2	0	0
Ireland	0	1	0
Italy	0	1	1
Netherlands	3	0	1
Northern Ireland	0	2	0
Spain	1	2	0
Sweden	2	0	1
Switzerland	0	0	1
Turkey	0	4	2
United Kingdom	3	1	0
United States	1	0	2
West Germany	1	1	2

for Asia or the Atlantic Community, but it is notable that the communist nations are absent from the table. Aside from this major exception it appears, in looking at the recent historical pattern, that no nation can consider itself completely safe from some such attack.

TABLE III

SITE OF HOSTAGE INCIDENTS BY REGION AND TYPE

Region	*Barricade & Hostage*	*Kidnaping*	*Aerial Hijacking*	*Total*
Latin America	4	73	6	83
Atlantic Community	18	16	12	46
Middle East	13	12	6	31
Africa	1	20	1	22
Asia	6	4	5	15
TOTAL	42	125	30	197

[4] In the period under survey, Uruguay claimed nine kidnapings but has not had a problem of international kidnaping since it was able to destroy the Tupamaro organization.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

TABLE II (CONTINUED)

Location	Barricade & Hostage	Kidnaping	Aerial Hijacking
MIDDLE EAST			
Algeria	1	0	0
Bahrain	0	0	1
Dubai	0	0	1
Egypt	0	0	1
Iran	0	1	0
Israel	6	0	1
Jordan	1	2	0
Kuwait	1	0	0
Lebanon	2	9	2
Sudan	1	0	0
Tunisia	1	0	0
AFRICA			
Angola	0	3	0
Chad	0	1	0
Ethiopia	0	11	0
Somalia	0	1	0
South Africa	1	1	1
Spanish Sahara	0	1	0
Tanzania	0	1	0
Uganda	0	1	0
ASIA			
Bangladesh	1	0	0
Burma	0	1	0
India	0	0	2
Japan	0	0	1
Malaysia	1	0	0
Nepal	0	0	1
Pakistan	1	0	0
Philippines	1	2	1
Singapore	1	0	0
Thailand	1	1	0

But while they are apparently willing and able to strike in virtually any nation, terrorists have been somewhat selective in whom they choose to take hostage, as shown in Table IV.

Nations ranking high in per capita GNP, with large amounts of capital invested overseas, are most frequently chosen as hostage

TABLE IV

HOSTAGES BY REGION AND NATIONALITY

Region	Incidents with One Nationality	Incidents with Multiple Nationality	Total
Asia	10	10	20
Africa	3	3	6
E. Europe	3	0	3
Middle East	12	14	26
Latin America	12	8	20
W. Europe & U.S.	116	42	158
Other	4	23	27

TABLE V

TARGETS OF DEMANDS BY REGION AND TYPE

Region	Sole Target	One of Many Targets	Total
Africa	1	1	2
Asia	9	3	12
Latin America	26	2	28
Middle East	11	10	21
Western world	30	24	54
Other (e.g., corporate, unspecified)	51	5	56

contributors. The United States finds itself singled out in one-third of all incidents. Nationals of the poorer countries who are seized are ordinarily their government's ambassador to another country, or a manager or president of a multinational corpora-

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

tion's subsidiary. Again, the communist nations are rarely terrorist targets, the exceptions being Yugoslavians attacked by Croatians and the Soviet ambassador being attacked by MANO, an Argentine right-wing group. Hence, although at times nationals of Third World nations are taken as hostages, the problem is primarily one for Westernized, capitalist nations.

Table V shows the regional location of nations, corporations and other entities that have been targets of terrorist demands, as well as whether or not they have been the sole target of demands in a given incident.

Despite the United States' susceptibility as a provider of hostages, the U.S. government is rarely the target of demands. Terrorists have tended to single out corporations or make unspecific demands (e.g., "We want $4 million for his safe return") when holding Americans. Again, we find communist and African governments virtually exempt from demands. Even terrorist groups have not been immune: in 1970, the Jewish Defense League demanded that the PFLP (Popular Front for the Liberation of Palestine) release hostages it was holding at Dawson Field. Western nations most frequently are involved when the terrorists single out more than one target for demands.

The Policy Debate

With this background, what should be the response of a government when faced with a hostage situation? The choice has been somewhere on a continuum ranging from never negotiating, which is the stated policy of the United States and Israel, to giving in to the terrorists' demands. Each approach is based on implicit theories regarding the driving mechanisms of terrorist behavior, but such theories have never been adequately spelled out. Various propositions have been used or can be used to justify the State Department's "no ransom" position; the same is true for a flexible response position, in which the characteristics of the situation determine whether negotiation can solve the problem. In both cases the proponents point to the advantages of their approach and the overriding disadvantages inherent in the competing view.[5]

The "No Ransom" Position

In essence, this viewpoint holds that all terrorists will respond in the same way to perceived positive or negative reinforcements. In order to deter further attacks, one must not give in to what they demand; thus one makes future operations not worth their while. Arguments supporting this position may be outlined as follows.

(A) Terrorists are all the same, prompted by a generally leftist ideology, and they employ the same tactics. They tend to have the same views toward their own lives and the lives of others, i.e., little respect for either. They cannot be trusted to keep their part of the bargain and will kill the hostages no matter what the government's response. They may even increase their demands if the government complies with the original bill of particulars. There is no reliable guarantee that the kidnapers will release the hostages if their demands are satisfied.

[5] No one individual or agency recommends all of the propositions mentioned below. It would be false to maintain that people advocating one of the positions necessarily agree with all of the arguments that can be cited to support it. Rather, this exercise is designed to serve a heuristic function in bringing to light some ramifications of these positions that often go unstated.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

(B) Due to their links, we are seeing the creation of a Terrorist International. When we deal with one terrorist group holding hostages, we are actually rewarding all members of this general conspiracy. Consider the evidence:

(1) They have the same funding sources, including the Soviets, Chinese, Arabs, Cubans, North Koreans and each other.

(2) They have held many worldwide meetings, among them the recent meeting in Trieste of a score of European separatist groups, the confederation of four major Latin American guerrilla groups, and the frequent meetings of the PLO, which at times has served as the forum for ten separate groups.

(3) They have conducted many joint operations, such as the skyjacking and barricade-and-hostage episodes engineered by the Japanese United Red Army and the PFLP, as well as kidnapings engaged in by coalitions of the MR-8, ALN and VPR in Brazil.

(C) Even if we were to grant that terrorists are not all alike, we are unable to get enough data at the scene of an incident to help us determine how we can gear our bargaining to these differences.

(D) In a form of the contagion hypothesis or demonstration effect, we can state that capitulation to the group presently facing us will only encourage others to engage in future, similar acts. Terrorists are motivated by the prospect of reward, and what we must do is remove the source of reward by refusing to pay monetary ransom, release prisoners or grant asylum. For example, Guatemala, Spain and numerous multinational corporations have granted the demands of terrorists, only to be faced with mounting demands in subsequent situations.

(E) In isolated incidents, however — especially those receiving the most publicity — the converse has been true; some governments and corporations that gave in to demands have not been faced with further incidents. Nevertheless, these cases have led to a building up of the expectations of the terrorists, who now believe that the overall tendency of their targets will be to grant demands.

(F) Article 29 of the Vienna Convention on Diplomatic Relations states: "The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving state shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity." The best way to uphold our duties and responsibilities under this convention is to remove the temptation to kidnap diplomatic officers by denying rewards for such behavior.

(G) It is morally wrong to give in to the demands of groups engaging in terrorist acts that range from the Munich massacre to the machine-gunning of innocent persons in airport lounges and the random bombing of buildings. Orderly societies cannot long endure when leaders encourage this resort to violence to settle political differences. Our national prestige vis-à-vis other nations will be damaged if we negotiate with such murderers, and our people will lose faith in their government's ability to protect them from such attacks.

(H) Although this point is rarely mentioned, one should consider the government's responsibility to protect political prisoners. Do the terrorists wish to liberate those whose release is demanded,

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

or is some other motive involved? In the von Spreti kidnaping, the Guatemalan government claimed that four of the guerrillas named in the demands were on the kidnapers' death list for disclosing information to the government. Abu Daoud, who allegedly revealed a great deal of information about the Black September organization, was frequently mentioned in the demands of subsequent hostage-takers. In the recent barricade-and-hostage incident in Malaysia, several members of the United Red Army refused to leave prison, claiming that the perpetrators were members of a rival faction.

(I) Finally, stated policy cannot countenance giving in to the demands of terrorists. While we may have to face the gruesome consequences of many incidents, including the loss of hostages' lives, before terrorists come to believe that we are serious in not negotiating under any circumstances, it is absurd to believe that any other policy could act as a deterrent. While we may lose the lives of a few people now, we are saving the lives and the sense of security of our citizens in the long run.

The Flexible-Response Position

In a nutshell, the flexible-response view questions the fundamental assumptions of the "no ransom" policy and advocates an *ad hoc* response to each instance. Based on an essentially different analysis of the motivations of terrorists, the function of deterrence and the value of hostages, its propositions include these judgments.

(A) Terrorists are not all the same, and they cannot be expected to react in the same way during hostage situations:

(1) They differ in ideology and purpose in their choice of terrorism. What we are dealing with is a group of people who have chosen a common tactic. We cannot infer from this that their motivations are commonly held. To illustrate, we could classify terrorists in the following manner.

Group Type	*Examples*
Separatists, irredentists	Basques, Eritreans, IRA, Corsicans
Fedayeen	PFLP, Black September, Al Saiqa
Ultra-left anarchists	Japanese Red Army, Baader-Meinhof Gang and its splinters
Latin guerrillas	ERP, Montoneros, ALN
Criminal gangs	Mafia; groups who publicly cloak their actions in political rhetoric, but whose real purpose is personal gain
Psychotic individuals	The security guard who seized the Israeli Embassy in South Africa in 1975
Hoaxes	Brian Lea's kidnaping in Uganda

(2) Terrorists differ in their tactics. Interestingly, many of the major groups have not engaged in hostage-taking — e.g., the Weathermen in the United States, the Baader-Meinhof Gang in West Germany and the Argentine Anti-Communist Alliance. Moreover, it appears that some groups tend to "specialize" in one type of incident (the ERP has a taste for kidnaping businessmen), whereas others have an expanded repertoire and employ various tactics (e.g., the PFLP and Black September). These differences may be due to the group's ideology, the availability of targets, regional cultures of violence, societal norms, group strength in terms of firepower, logistics and personnel, public support for the

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

group (real or perceived), security systems of potential targets, and the preferences of the group's leaders.[6]

(3) They do not hold the same views on the sanctity of life. Some are genuinely suicidal and totally indiscriminate in their choice of victims; others are willing to sacrifice all their demands for safe passage from the scene of the crime. Among the variables we can consider in determining the terrorists' views are these. Are they apt to practice the incremental release of hostages — i.e., do they allow wounded, sick, women and children to leave the scene of the incident? In previous incidents, was a warning given by the group before the bomb exploded, or did they attempt to kill as many people as possible? Were booby traps involved in the bombings? Were letter-bombs, which involve the least public risk to the terrorists, used? What kinds of victims were selected (e.g., Latin American groups rarely kidnap women or children)? What was the timing of the incident: was the bomb set to go off at midnight, or during the noon rush hour, guaranteeing many casualties?

(4) Terrorists rarely double-cross bargainers by increasing their demands, and they also rarely kill hostages without provocation. Of even greater rarity is the killing of hostages after demands have been granted. Terrorists have their own credibility to protect and can assume that their behavior in an incident will have an effect on the expectations and behavior of government negotiators in any future incident. If they renege on their part of the agreement, they can be sure that the government will not concede in the next incident.

(B) The links between groups do not necessarily lead to commonality of tactics, strategy, perceptions or motivations:

(1) In the past decade, not even a third of the groups who have engaged in incidents of transnational terrorism have attended relevant international meetings.

(2) Even the PLO, composed of groups of common nationality with a common purpose, has suffered from splintering and fighting among factions who disagree on tactics, strategy, the sanctity of life, types of demands, methods of negotiation, and so on.

(3) Many terrorist groups were established to fight "primary" terrorist groups. Examples of such pairings include the Ulster Defense Association versus the IRA, the Anti-ETA versus the Basque nationalists, the Jewish Defense League versus the PLO, the Argentine Anti-Communist Alliance versus ERP and numerous other Argentine leftist groups.

(4) Nation-states have many links, such as trade and communications, but they do not necessarily share the same outlooks and may even go to war because of these multiple ties.

[6] The nationality patterns found in groups engaging in such actions can be summarized as follows:

Nationality of Groups Claiming Responsibility, by Region	*Type of Incident*			
	Barricade & Hostage	*Kidnaping*	*Aerial Hijacking*	*Total*
Latin American	3	48	7	58
Middle Eastern	24	9	13	46
Western	4	14	3	21
Communist nations	1	0	1	2
African	0	17	0	17
Asian	9	4	3	16
Other	3	36	7	46

In broad terms, it appears that Latin American and African terrorists prefer to attempt standard kidnapings, where they can rely on extensive underground organizations. Middle Eastern groups, who have taken their operations beyond the immediate borders of the Arab-Israeli conflict, have been forced to use tactics leaving them open to attack by security forces. Such actions have, however, allowed them to take many more hostages, which may be an added incentive.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

(C) Data obtainable at the site of an incident can provide clues as to how we should conduct our negotiations. Relevant considerations may include previous behavior of the group in similar situations, logistical constraints, age and sex of the perpetrators, existence of communication with the group's headquarters, choice of the government's negotiation-team representative or intermediary, size of the attack force, number of terrorist groups involved in the incident, choice of targets in terms of their symbolic value, as well as the nationality of the victims, targets and terrorists.

(D) The contagion hypothesis rests on shaky evidence. At present, we are unable to test whether terrorist groups are aware of "no ransom" policies or whether they base their behavior on knowledge of such policies. Furthermore, many governments have publicly stated beforehand their refusal to deal with groups who take hostages yet have been faced with incidents on their soil, involving their nationals as perpetrators or as targets. Such nations include Argentina, Israel, Turkey, Uruguay, West Germany and Japan, not to mention the United States, whose strict "no ransom" policy has not saved its nationals from being the most sought-after hostages.

(E) Governments have a moral duty to protect their nationals and should make every effort to secure the safe release of hostages. We should not sacrifice innocent individuals to prevent incidents that might not occur. Governments may feel that if tranquillity can be achieved — even temporarily — by the release of a few prisoners, they are justified in negotiating. The prestige of a nation, both at home and abroad, will most certainly be smirched if hostages are killed due to government inaction.

(F) Terrorists care most about what happens to them after an incident, rather than whether or not their demands are fulfilled:

(1) They are concerned about what happens to the attack squad, and they may be deterred from further incidents if the group is harshly dealt with as a consequence of their actions. More and more it is argued that the death penalty should be imposed on those who engage in such actions, both as a deterrent and to ensure that those who are captured cannot engage in even worse actions in the future. Many terrorists who have been released from prison as a result of demands being met have indeed engaged in subsequent terrorist acts.

(2) They are concerned about the fate of the group as a whole, and may reconsider sequels if a nationwide crackdown on terrorist activity is instituted. Since Uruguay and Canada were able to wipe out the Tupamaros and the FLQ, respectively, they have not been victimized by radical incidents.[7]

(G) The granting of asylum is a time-honored practice in Latin American international law. Government leaders recognize that one day they may be requesting asylum, when and if they are

[7] However, many reservations attend to arguments regarding guaranteed punishment for specific acts. First, if we wish to save the hostage, a certain death penalty for the kidnaper gives him no reason to spare the captive's life. Second, the consequences of governmental repression of public freedom should be considered; such repression may be precisely what the terrorists are seeking. Finally, if the roots of the terrorist's grievance are deep, he may believe that even death is better than the existence he and his people now lead. The prospect of apprehension and punishment may not be an effective deterrent in such contexts.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

ousted from power in a revolution. It is not in their personal interest to restrict this practice in any way, and any proposals to place a global or regional ban on the granting of asylum to political prisoners (either the terrorists instigating the incident or the prisoners whose release is demanded) will be met with great resistance in Latin America. Hence, we are unable to deny potential terrorists this avenue of reward.

(H) Terrorism has frequently been called the politics of desperation, the last refuge of the weak. Thus, while the actions of the terrorists themselves are reprehensible, and should be condemned, are the grievances they express necessarily at variance with concepts of justice? In many societies, the possibility of ventilating grievances is denied to certain groups. Resort to radical actions may be the only way these individuals can articulate their interests. Is it possible that we are approaching the problem incorrectly? Instead of attacking the manifestations of the problem — i.e., the expressions of despair — should we not rather tackle the underlying causes of terrorism: poverty, injustice, inequality, lack of political participation, and the like?

(I) The fundamental question to be answered in the "no ransom" versus negotiation argument is this: does deterrence deter? In other words, what are the rewards to terrorists who seize hostages? Are they seeking the ransoms they demand publicly, or do they aim at other goals? In Table VI, we note the demands publicly stated either to government and/or business negotiators or to the hostages themselves. As is immediately evidenced, not all incidents involve the public demand of ransom. But this does not tell the whole story. The granting of stated demands may be only an added bonus to terrorists. Even if they believe that all governments and corporations will adhere to their publicly stated "no

TABLE VI

TERRORISTS' PUBLICLY STATED MOTIVES

Stated Demands	*Barricade & Hostage*	*Kidnaping*	*Aerial Hijacking*
Release political prisoners (only)	15	23	16
Monetary ransom (only)	1	41	8
Release prisoners and monetary ransom	3	8	5
Publish manifesto	0	8	1
No demands mentioned	1	15	0
Questioning and/or instruction of hostages	0	7	0
Retaliation	0	2	4
Other (including free passage from scene of incident, specific political changes)	18	12	6

ransom" policies, they might continue to engage in hostage operations for a number of reasons:

(1) Those who demand the freedom of prisoners may be attempting to focus adverse publicity on the government. The kidnapers may be endeavoring to show that it is impossible for the government to release the prisoners, because they have been poorly treated, tortured or secretly executed. The prisoners demanded may also have been involved in events highly embarrassing to the government, and the terrorists may wish to jog the public's memory of such episodes and thus increase hostility to the government.

(2) Those who demand ransoms may likewise be attempting to put their targets in a bad light. Many terrorists have demanded "Robin Hood" ransoms, in which a corporation is requested to provide food and other goods and services to a segment of the

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

nation's poor, rather than hand over money for the terrorist organization's coffers. Targets faced with this type of demand are placed in a disconcerting position — public exposure of their refusal to aid in fulfilling a charitable goal. Even if the ransom *is* intended to bolster the organization's own funds, refusal of such demands makes the target appear to value money more than the life of the hostage.

(3) Many attacks have been made in retaliation for governmental moves against terrorist organizations. This is especially evident in the cycle of assassinations conducted by and against members of the Israeli security agency and the Black September organization. Some kidnapings in Latin America have also been undertaken solely in retaliation for government actions against terrorists.

(4) The group may engage in kidnaping to publicize its overall ideology. Terrorism attracts great interest from the media, and the views of those who have taken over an embassy can be expected to fill the headlines. While some nations may be able to bar press coverage of these incidents for a time, curbs on a free press are bound to meet with strong resistance in many countries. The terrorists will be determined to get their message across in some way, and their real targets may be the audiences of the Western media covering the incident.

(5) Some kidnapings may be attempts to disrupt society's expectations of security and order. Those who engage in particularly brutal incidents are publicly stating that there are no lengths to which they will not go to fulfill what they believe to be justice. Such terrorists will not be deterred by the prospect of receiving no tangible reward, and a "no ransom" policy may simply doom the hostages.

(6) The terrorists may be deliberately attempting to provoke government repression against themselves. A government's countermeasures must generally be applied nationwide if it expects to hit all of the group's cells. Unfortunately, many innocent individuals will be harmed by such measures, and they can be expected to resent such incursions on their liberties. It is the terrorists' hope that this animosity will surface and that the government will be faced with a nationwide revolutionary movement with broad popular support.

(7) The hostage may himself have some value to those who have seized him. The literature on terrorism frequently asserts that the targets of such incidents transcend those who are its immediate victims, and that one hostage is just as good as another. But the group may believe that this particular hostage has information of value to them, whether it be government intelligence about the group, classified information about weapons systems, or knowledge of his corporation's links with negative reference groups (e.g., secret funding of the corporation by foreign intelligence organizations or any military research under way). Depending on the substance of the information, the group may then use it as propaganda against the corporation or government, or employ it in other operations.

(8) The incident may represent the individual's personal affirmation of solidarity with the norms of the terrorist group. Especially in operations involving more than one terrorist group, the perpetrators may feel that the group will consider them traitors if they settle for anything less than the original set of demands.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Should the government call their bluff, the group's credibility will be damaged if they do not carry out their threats to kill the hostages.

(9) Finally, Régis Debray, one of the major theoreticians of Latin American guerrilla warfare, argues that the threat of kidnaping is part of the urban terrorist's overall strategy. Such operations must be considered in the wider context of the revolutionary struggle. In *Revolution in the Revolution?* he argues that such a threat

> immobilizes thousands of enemy soldiers . . . ties up most of the repressive mechanism in unrewarding tasks of protection: factories, bridges, electric generators . . . — these can keep busy as much as three quarters of the army. The government must, since it is the government, protect everywhere the interests of property owners; the *guerrilleros* don't have to protect anything anywhere.[8]

By tying up the opposing forces, the guerrilla's job is made that much easier, and the balance of effective fighting forces is more nearly equal.

(J) If the "no ransom" policy was able to stop all hostage incidents, what would the terrorists do? Since they are fundamentally opposed to certain targets, it is doubtful that they would close up shop entirely. Rather, they could engage in other types of action not involving the taking of hostages, which might be even less desirable. For example, they could attempt to assassinate former potential hostages, an operation that takes less time than a kidnaping, leaves them less vulnerable to the strengthened security measures taken to stop kidnapings, and still has most of the advantages of a hostage situation, including the publicity they want. Many threatened assassinations have been avoided by those who have agreed to pay off the extorter's demands. The threat to bomb symbolic facilities may also be engaged in, with the bombing being carried out if extortion is not paid.

Concluding Remarks

In broad outline, we have seen the problems faced by the policymaker who must live in a world plagued by international terrorism. Each position — "no ransom" or negotiation — is supported by convincing arguments but is also loaded with inherent disadvantages to be overcome. In recent months we have witnessed tests of the two positions, with mixed results. At one end of the spectrum, the French engaged in a shoot-out with Somali terrorists, which meant death for the terrorists but also hostage casualties. The British and Dutch took a wait-and-see attitude and were able to stall the IRA and the South Moluccans, respectively, into surrender. The Ethiopians refused to give in to ELF demands and witnessed the kidnaping of citizens of Italy, Taiwan and the United States. The Austrians again gave in to Palestinian demands.

The answer may lie somewhere between a stated "no ransom" position and a pragmatic view of on-the-scene bargaining. It may be that we should aim at creating a new self-image for the terrorists by gaining their commitment to what can be presented as humanitarian policies, such as releasing some of their prisoners or allowing food and medical aid to be supplied. If the terrorists would agree to making incremental moves in this direction, we might be able to keep up the process of commitment and eventually make possible the release of all hostages. Such tactics appear to have been successful when applied, and may represent an optimal mix of the advantages claimed for the two positions we have discussed.

[8] Régis Debray, *Revolution in the Revolution? Armed Struggle and Political Struggle in Latin America* (New York: Grove Press), p. 75.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

THE U.S. RESPONSE TO TERRORISM AGAINST INTERNATIONAL CIVIL AVIATION*

by Robert G. Bell

IN *Why Men Rebel,* Ted Gurr writes. "The most fundamental human response to the use of force is counterforce. Force threatens and angers men. Threatened, they try to defend themselves; angered, they want to retaliate."[1] Terrorism, by its deliberate disregard for moral and legal norms, selective targeting of innocent parties and ruthless exploitation of human fear provokes a response more vengeful perhaps than any form of force. Yet in modern society, in which government possesses a monopoly on the organized use of force, victims of terrorism cannot act as vigilantes; they must turn to the state for redress.

Jordan Paust defines terrorism as

> the purposive use of violence by the precipitator(s) against an instrumental target in order to communicate to a primary target a threat of violence so as to coerce the primary target into behavior or attitudes through intense fear or anxiety in connection with a demanded power (political) outcome.[2]

This definition offers a cogent distinction between the act of terrorism and its intended effect. "Instrumental targets" may be either persons or matériel — power stations or water supply systems, for example. The "primary target" is normally a state, but it may be a bloc of states or a faction within a state.

In most incidents of terrorism, the victims are powerless to affect the outcome of the deadly game played between terrorists and the state. Thus, the essential dynamic of terrorism is the value relationship between victims and the state. Any society that regards each human life as inviolate cannot ignore terrorists who bomb, kidnap or hijack its members.

The value relationship between victim and state is most likely to occasion accommodation in democratic societies. Since democratic governments act both in the name and at the discretion of the people, they must yield state interest to the more tangible expedient of the safety and well-being of a single citizen. In the words of one author, "The immediate value of the individual life outweighs the ulterior interest of the group."[3] While there are a number of strategies for negotiating with terrorists, a democratic government must compromise when faced with the imminent murder of the victims. Israel is the exception that proves this rule. For the Israelis, war with terrorists is a constant reality, and they are willing to support government policies that place the state interest first. Elsewhere, no such siege mentality exists.

* The views expressed in this article do not necessarily reflect the opinions of the Library of Congress.

[1] Ted Robert Gurr, *Why Men Rebel* (Princeton, N.J.: Princeton University Press, 1970), p. 232.

[2] Jordan J. Paust, "Terrorism and the International Law of War," *Military Law Review,* Spring 1974, pp. 3-4. Although current literature reflects wide disagreement on the proper definition of "terrorism," Paust's is the most comprehensive. It requires a "terror outcome," recognizes that terrorists may be governmental or nongovernmental actors, and limits terrorism to political acts.

[3] I.M.H. Smart, "The Power of Terror," *International Journal,* Spring 1975, p. 230.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

For the terrorist, then, success will initially be forthcoming if he selects a target of maximum value to the state and demonstrates that he is willing and able to use violence until his demands are met. In the long run, however, this same high-value relationship between victim and state will work against the terrorist. Repeated attacks against a designated category of targets (e.g., diplomats, business executives, airline passengers) will compel the state to organize a defense-in-being. At a certain threshold, overcoming the state's point defense of the target will become too costly for the terrorist, and he will move on to different, "cheaper" targets of opportunity.

Nowhere has this pattern been better demonstrated than in the campaign against international civil aviation. As a vital and vulnerable component of world commerce and communications, aviation was a natural target for terrorist attack. The terrorist campaign threatened not only the passengers and material value of the aircraft and cargoes, but also the fundamental public confidence that flying was safe. International air travel is a highly visible, relatively glamorous aspect of the contemporary era; as such, the bombing and hijacking of airliners was guaranteed to attract widespread publicity. In many cases, publicity for a cause is a principal, if not the paramount, objective of a terrorist attack.

From 1960 through 1975, there were 439 hijacking attempts on American and foreign aircraft.[4] In the 1960s, most hijackings were not political in nature; the hijackers were fleeing from prosecution, attempting criminal extortion or acting out of mental derangement. Nevertheless, lessons learned during this decade were to prove invaluable when hijacking assumed a decidedly terrorist character in the 1970s. Beginning with the September 1970 hijacking and destruction of four airliners by members of the Palestine Liberation Organization (PLO), international civil aviation was assaulted by a succession of increasingly murderous attacks.

The attempt to shoot down an El Al 707 with a missile in January 1975 was generally believed to have brought commercial aviation to the brink of disaster. Surprisingly, statistics indicate that the terrorist campaign had in fact crested in 1972. In that year, there were 62 hijacking attempts worldwide. In 1973, the number dropped to 22 and it has since averaged 25.5. The greater significance of the missile attack was that it revealed the extent to which the defense of international civil aviation had been organized. By 1975, extraordinary means were required for terrorists to get to the aircraft. Since weaponry equivalent to the Soviet-made Strela SA-7 anti-aircraft missiles is not readily available, most terrorists have moved on to more vulnerable, unprotected targets.

This article examines the U.S. role in countering the terrorist campaign against civil aviation. With the most comprehensive aviation network in the world, the United States has the largest stake in maintaining the security of this mode of travel. Moreover, U.S.-flag airliners have been victimized more often than the carriers of any other country. More than 40 per cent of the hijackings around the world since 1960 have involved American

[4] All statistics regarding dates, numbers and persons involved were provided by the Federal Aviation Administration (FAA), current as of January 1, 1976.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

aircraft. Predictably, the United States assumed leadership of the international response to aerial terrorism.

Has the U.S. effort been a success? Proponents of the American response point out that since 1973 there has not been a single successful hijacking of a U.S.-flag airliner. Worldwide, there were only seven successful hijackings last year, compared with seventy in 1969. Today, newspapers chronicle what seems to be a "mopping-up operation." Cuba has returned hijackers to the United States for trial, and several hijackers recently have surrendered voluntarily. On November 21, 1975, the FBI arrested this country's first hijacker — a fugitive for fourteen years.[5]

The December 29, 1975, bombing at La Guardia Airport again focused national attention on the security of civil aviation. Sixty-two persons were killed or injured when a bomb estimated to be equivalent in force to twenty-five sticks of dynamite exploded in a baggage claim area.[6] In the wake of this tragedy, the government organized a task force to recommend new airport security measures. There is admittedly only so much that can be done. That the terrorists placed the bomb *outside* the airport's secure area illustrates that they will always take the path of least resistance. More than anything, though, this incident is notable for its random quality. Had the bomb been placed at a football stadium, the task force would likely have been studying the problem of safeguarding sports spectators.

What has really been accomplished? Around the world the overall incidence of terrorism is on the rise. Rather than seizing airliners and holding passengers hostage, terrorists in 1975 seemed to prefer storming embassies. This development prompted bolstered security measures for diplomats and other officials abroad.[7] A predictable consequence has been a new shift in terrorist targets — most recently to trains (Holland), school buses (Afars and Issas), and conferences (Vienna). In each case the attack was novel and the target was totally undefended.

Certainly, the American success in preserving the security of international civil aviation has been commendable, but it is not enough. The essential lesson of the U.S. experience in the war on aerial terrorists is that point defense of the latest target alone will not suffice. Unless the broad and fundamental causes of terrorism themselves are addressed, governments will remain one step behind the terrorists. As long as states cede the initiative, the power of counterforce will necessarily be limited.

The Evolving American Policy

Unlawful interference with aviation dates to Bedouin seizures of French aircraft for ransom in the 1920s and the world's first hijacking in Peru in 1931. Official American interest was not aroused, however, until the late 1940s. In July 1947, three Rumanians commandeered a state-owned DC-3 in flight and landed it in Turkey. During the next three years, fourteen other East European airliners were hijacked across the Iron Curtain, seven landing in the U.S. zone in Germany. In each case, the authorities granted political asylum and imposed no punishment. The fact that crew and passengers were killed in the course of some of the incidents was of minor interest to a public more inclined to regard the hijackers as heroic freedom fighters.

[5] *Washington Star*, November 22, 1975, p. 6.
[6] *Aviation Week & Space Technology*, January 5, 1976, p. 22.
[7] *New York Times*, November 16, 1975, p. 7.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

In 1948, a man named Diego Cordova assaulted three people while on board a U.S. airline flight over the Caribbean Sea. This incident exposed a gap in U.S. municipal law concerning crimes of violence committed over the high seas. Public Law 82-514, approved on July 12, 1952, closed the gap by authorizing the federal government to prosecute similar crimes. This act was the first in a succession of federal laws intended to protect air travelers.

The United States experienced its first hijacking on May 1, 1961, when Antulio Ramirez-Ortiz commandeered National Airlines Flight 337, en route from Miami to Key West, and ordered the crew to fly the plane to Cuba. Four subsequent hijackings within a sixteen-day period that year (two of which were successful) convinced the government that this would not remain an isolated phenomenon.

The initial U.S. response to hijacking combined legal and technical (physical security) countermeasures. Public Law 87-197, approved September 5, 1961, made "aircraft piracy" a federal crime punishable by death or not less than twenty years' imprisonment.[8] This law, superseding P.L. 82-514, provided for the application of federal criminal law to acts of assault, maiming and murder occurring on board aircraft engaged in air commerce.

In 1962 the Federal Aviation Administration (FAA) deputized twenty of its Flight Standards Branch employees as U.S. marshals and utilized them on board designated high-risk flights.[9] Unlike the later, highly publicized "Sky Marshals" program, the FAA kept this first armed guard program secret. This decision was consistent with the low-profile policy that governed the anti-hijacking program until 1968.

At this early date in the war against hijackers, the FAA hoped that hijacking could be stopped by legal deterrence. It accepted the airlines' contention that passengers should not be alarmed or inconvenienced by highly visible security measures. In fact, between 1962 and 1967 there were only seven hijacking attempts. Thus, for the traveling public the possibility of being hijacked seemed remote.

At the international level, a corresponding sense of complacency prevailed. Although the United States had first recommended study of the legal status of crimes committed on board aircraft to the International Civil Aviation Organization (ICAO) in the wake of the Cordova incident, there the matter languished until 1959. In that year, the ICAO Legal Committee counseled the promulgation of an international convention to address the subject. In preparatory drafts presented to the committee in 1962, the United

[8] Again, there is wide disagreement on the terms "air piracy," "hijacking" and "skyjacking." Alona E. Evans in "Aircraft Highjacking: Its Causes and Cure," *American Journal of Internal Law*, October 1969, observed, "Aircraft piracy is not 'piracy' in the classical sense or as defined by Article 15 of the 1958 Geneva Convention on the High Seas, which refers to piracy by aircraft in the following terms: 'illegal acts of violence, detention, or any act of degradation, committed for private ends by the crew or passengers of . . . a private aircraft, and directed against another ship or aircraft.'" P.L. 87-197, as presently amended, defines "air piracy" as "any seizure or exercise of control by force or violence or by threat of force or violence or by any other form of intimidation and with wrongful intent, of an aircraft within the special aircraft jurisdiction of the United States [49 USC 1472(i)(2)(Supp. IV, 1974)]." Congress has declared that the meaning of the law should in no way be influenced by precedents or interpretations relating to piracy on the high seas. U.S. House, Committee on Interstate and Foreign Commerce, *Crimes Aboard Aircraft in Air Commerce*, Report No. 958, 87th Congress, 1st Session, 1961.

[9] Interview with Don Myers, chief of Air Security Branch, FAA New England Region, February 11, 1975.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

States proposed that the convention obligate the state in which the hijacked aircraft landed either to prosecute the hijacker in accordance with its domestic laws or to extradite him according to applicable treaties.[10]

The committee deleted this provision from its final draft to the full ICAO membership; consequently, the resulting Convention on Offences and Certain Other Acts Committed on Board Aircraft (the 1963 "Tokyo Convention") included no forceful threat of punishment to deter hijackers. Article 11, the so-called hijacking clause of the convention, simply states that contracting states shall take measures to restore control of the aircraft to the aircraft commander, permit its passengers and crew to continue their journey, and return the aircraft to its owners.[11]

The Tokyo Convention was of value because it resolved key jurisdictional questions, strengthened the concepts of free movement and commander's powers, and established a precedent for multilateral action against hijackers. But it did not go into effect until it was ratified by the twelfth state (the United States) in 1969. This leisurely rate of ratification reflects the general tolerance with which governments regarded the infrequent hijackings of the mid-1960s.

Official disinterest was dispelled sharply in 1968. In that year alone eighteen aircraft were hijacked, and the FAA began to consider physical security measures to keep hijackers off planes. A task force under the direction of Dr. Evan W. Pickeral identified thirty-five behavioral characteristics common to past hijackers and, in 1969, conducted a successful test of a simplified behavior profile with Eastern Airlines. The test established that if all airlines applied the profile to all boarding passengers, less than .5 per cent would fit the profile and require searching.[12]

Although the number of hijacking attempts on U.S. aircraft soared to forty in 1969, the FAA chose not to order the airlines to apply the profile. Further, it rejected the more stringent measure of requiring the physical or electronic search of *all* passengers: the priority interest still was passenger convenience, rather than fail-safe passenger security.

Priorities shifted dramatically in September 1970, when Palestinian guerrillas seized and destroyed four airliners. Three were blown up at an airstrip in the desert after the passengers had been exchanged for imprisoned members of the PLO. The fourth aircraft exploded minutes after landing at Cairo Airport — and only seconds after the last passenger had scrambled to safety. With electrifying suddenness, the terrorists had shattered all prior assumptions about hijackers' motivations and made obsolete previous strategies for protecting air travel. This incident presaged new thresholds of violence and danger for the coming decade.

For the first time, the hijackers' objective was not to use the aircraft for a flight to freedom or to ransom its passengers for cash, but rather to exploit the vulnerability of aviation for political ends. The obvious ruthlessness of the terrorists and their fanatical dedication to their cause posed a danger not likely to be deterred by the threat of punishment alone. Clearly, new measures were needed to keep terrorists off planes. On September 9, 1970, President Nixon directed the FAA to implement a large-scale Sky

[10] Stanley B. Rosenfield, "Air Piracy: Is It Time to Relax Our Standards?," *New England Law Review*, Fall 1973, p. 96.
[11] ICAO Doc. 8364, *TIAS* No. 6768; 20 *UST* 2941.

[12] See above, note 9.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Marshals program. Initially, military personnel were employed in this role until civilian armed guards could be trained.

On the international level, a new sense of urgency infused ICAO deliberations regarding a second anti-hijacking convention. When the International Conference on Air Law was convened at The Hague in December 1970. delegates from seventy-four states signed the resultant Convention for the Suppression of the Unlawful Seizure of Aircraft.[13] Where the Tokyo Convention had omitted specific anti-hijacking measures, the Hague Convention declared:

> The Contracting State in the territory of Which the alleged hijacker is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution.[14]

This article was the subject of great controversy at the conference. In preparatory drafts, the United States had proposed mandatory extradition for all hijackers.[15] When it became obvious that this idea would not be supported, the U.S. delegation backed a proposal calling for either the extradition *or* the prosecution of all hijackers, including those acting out of political motivation, only to have it defeated by states intent on preserving the traditional sovereign right to grant asylum. The delegates finally accepted substitution of the expression "without exception whatsoever" in lieu of the more explicit "whatever the motive for the offence."[16]

Despite this tactical setback, the United States was pleased with the results of the conference. Article 4 — the "universal jurisdiction clause" — ensured that, regardless of where the offense was committed, each contracting state would have to establish its jurisdiction to prosecute when the alleged hijacker was present in its territory and it did not extradite him.[17] Although the convention proclaimed only that the case be submitted for prosecution, to have *required* prosecution would have constituted unacceptable interference with the criminal procedures of the individual states. Finally, Article 2 dictated "severe penalties" for convicted hijackers. The Hague Convention was ratified by the required number of states and entered into force on October 14, 1971.

The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation likewise was drafted in the face of escalating terrorist violence. An extraordinary assembly of ICAO met in Montreal in June 1970 to hammer out deterrent controls for acts of sabotage — such as the bombings that had destroyed a Swiss airliner and damaged an Austrian airliner in February 1970.[18] The resulting draft built on the provisions of the Hague Convention, even before that convention had been put into final form. Such was the exigency of the moment. The Montreal Convention was adopted on September 23, 1971. Its provi-

[13] ICAO Doc. 8920, *TIAS* No. 7192; 22 *UST* 1641.
[14] *Ibid.*, Article 7.
[15] Gerald F. Fitzgerald, "Toward Legal Suppression of Acts Against Civil Aviation," *International Conciliation*, November 1971, p. 48.
[16] *Ibid.*, p. 58.
[17] *Ibid.*, p. 56.
[18] Nancy D. Joyner, *Aerial Hijacking as an International Crime* (Dobbs Ferry, N.Y.: Oceana, 1974), p. 216

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

sions on sabotage constitute a valuable complement to the anti-hijacking provisions of the Hague Convention.

The international legal framework for combating terrorism against civil aviation, as established in these three multilateral conventions, was predicated on three fundamental assumptions. First, most states would accede to the protocols. Second, contracting states would faithfully execute their responsibilities under the conventions, particularly those dealing with extradition and prosecution. Third, the international aviation community could influence "responsible" behavior by states not party to the conventions.

Subsequent terrorist incidents severely shook the fragile hopes engendered at the conferences. During a ten-day span in May/June 1972, Japanese agents of the Popular Front for the Liberation of Palestine massacred twenty-five tourists at Lod Airport in Tel Aviv, two Americans hijacked a Western Airlines 707 to a heroes' welcome in Algiers, and ten Czechoslovakians hijacked a Czech airliner to West Germany, murdering the pilot. From 1970 through 1972, there were 203 hijacking attempts throughout the world.

In the wake of this explosion of violence, advocates of strengthened countermeasures focused on the issue of "sanctuary." Repeatedly, hijackers landed in countries sympathetic to their cause and received little if any punishment. Since these recalcitrant states seemed immune to world public opinion or diplomatic persuasion, hard-liners demanded "enforcement" of the conventions against states that dealt lightly with hijackers. Their proposals met with considerable resistance for political and economic reasons, however, and the initiative stalled.

This diplomatic deadlock was not acceptable to the U.S. Air Lines Pilots Association (ALPA), whose members were beginning to regard each flight as a combat mission. In a letter to President Nixon, ALPA's president declared, "It is our firm conviction that aerial piracy will not cease until there is absolutely no place to go — no place [the hijacker] could land without the sure knowledge that he will be apprehended and tried either in that country or the country from which he departed."[19]

Acting on ALPA's initiative, the International Federation of Airline Pilots Associations (IFALPA) announced that its members would institute a global stoppage of air service on June 19, 1972, if the United Nations failed to implement measures supplementary to the existing conventions, "including enforcement measures against states offering sanctuary and failing to prosecute hijackers."[20] When the deadline for the suspension of service passed without adequate UN or ICAO response, eighteen European, South American and Pacific airlines stood down. U.S. airline pilots were prohibited from joining the strike by a court restraining order; nonetheless, many U.S. pilots refused to fly.[21]

The pilots' boycott sparked renewed diplomatic efforts toward the convening of an enforcement assembly. ALPA's president commended the U.S. State Department for "doing all they could to stir the ponderous international machinery into unprecedented action."[22] Where states had failed to act or had procrastinated

[19] John J. O'Donnell, "Suspension of Service: Pilot's Answer to Hijacking," *Air Line Pilot*, July 1972, p. 7.
[20] *Ibid.*, p. 44.
[21] *Ibid.*
[22] *Ibid.*, p. 45.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

in adopting adequate countermeasures, IFALPA had demonstrated that private pressure group tactics could supply the necessary incentive.[23]

Nineteen hundred seventy-two had also been a busy year on the home front. Within a forty-eight-hour period during the first week of March, bombs exploded or were discovered in time on aircraft in New York, Las Vegas and Seattle. Declaring a resolve to "meet this blackmail on the ground as vigorously as we have met piracy in the air," President Nixon ordered the Department of Transportation to implement tougher security measures.[24] Transportation Secretary Volpe announced that airport operators would be required to establish secure zones and granted the FAA authority to review and approve all airport security plans.[25]

In September 1972 the director of air transportation security for the FAA listed the objectives of the government's program: "One, keep unauthorized, concealed weapons off the airplanes; two, have the airplanes free of bombs and incendiary devices; three, have the aircraft serviced in a secure airport environment."[26] However, without mandatory electronic screening or a physical search of all embarking passengers and their carry-on luggage, the first objective could not be guaranteed. Although there were twenty-six hijacking attempts against U.S. aircraft during the first ten months of 1972, the FAA continued to resist pressures to implement new security requirements.

That year's twenty-seventh hijacking provided an impetus previously missing. On November 10, three hijackers took command of a Southern Airlines DC-9 over Alabama. During this particularly harrowing incident the pilot was forced to fly for two days, criss-crossing the southern United States and refueling at several different airports. Only his consummate professionalism averted a major disaster when he was forced finally to take off for Cuba, even though marksmen had shot out the airplane's tires.

Responding to a surge of criticism from Congress, the press and ALPA, the government on December 5, 1972, announced new security requirements, to be effective in thirty days. Airport operators were directed to (1) station armed law enforcement officers at passenger check points, (2) search all carry-on items, and (3) screen all passengers with electronic devices as a condition to boarding.[27] There has not been a single successful hijacking of an American airliner since these requirements were implemented.

The Memorandum of Understanding on Hijacking of Aircraft and Vessels and Other Offenses, signed by the United States and Cuba on February 15, 1973, was the result of years of painstaking negotiations. It was of value both as a symbol of a "thaw" in Cuban-American relations and as a deterrent to hijackings. This last point must be qualified somewhat, however, for the agreement's provision mandating extradition or prosecution is not ironclad.

The memorandum recognizes

mitigating circumstances in those cases where the persons responsible for the acts were being sought for strictly political reasons and were in real and imminent danger of death without a viable alternative for

[23] Alona E. Evans, "Aircraft Highjacking: What Is Being Done?," *American Journal of International Law*, October 1973, p. 669.
[24] White House Press Release, March 9, 1972.
[25] *DOT* (Department of Transportation) *News*, FAA News Release, March 17, 1972.
[26] "Airport Security," speech by James T. Murphy to the Airport Operators Council International, September 6, 1972.
[27] *DOT News*, Office of the Secretary Press Release, December 5, 1972.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

leaving the country, providing that there was no financial extortion or physical injury to the members of the crew, passengers, or other persons in connection with the hijacking.[28]

In explanation, Secretary of State Rogers said, "It does not affect the right of asylum. What it does mean is that you cannot commit *major* crimes on the way to asylum."[29] This subtlety is of little relevance to the airline pilot faced by a terrorist committing the *minor* crime of pointing a gun at his head. The pilot probably will not be comforted by the knowledge that the hijacker will be denied asylum in Havana if he pulls the trigger.

The ICAO Rome Conference

The diplomatic offensive waged by the American delegation at the 1973 ICAO Conference in Rome denoted the high-water mark in U.S. leadership of the response to terrorism against international civil aviation. The American objective at this time remained the total reduction of attacks on aviation. The strategy was to eliminate all terrorist "safe havens" by establishing ICAO sanctioning authority.

However, the first blow to the American plan was struck even before the conference began. In preliminary subcommittee sessions the United States had campaigned arduously for the creation of an independent ICAO commission that could impose sanctions against states acting contrary to the principles of the Tokyo, Hague and Montreal conventions. These sanctions would include suspension of air service by all ICAO states to the offending state.

Led by France and the Soviet Union, most states maintained that economic sanctions could be imposed only by the UN Security Council. A French official explained, "We thought that such a formula, which basically implies sanctions against states outside the framework of the procedure set up by the United Nations Charter, raised very difficult problems."[30] The full Legal Committee rejected the American proposal and substituted a milder draft presented by several Scandinavian countries. The so-called Nordic proposal envisaged a two-phase ICAO response when a state failed to adhere to the provisions of the conventions: "fact-finding" and "recommendations."[31]

The conference agenda also included debate on three proposed amendments to ICAO's charter — i.e., the 1944 Chicago Convention. France proposed incorporating the Hague Convention verbatim into the Chicago Convention, omitting the Montreal Convention entirely and adding mandatory expulsion for any member not ratifying the amendment once it entered into force. A British-Swiss draft proposed the inclusion of the substantive provisions of both the Hague and Montreal conventions and would have obligated all ICAO members to deny use of their airspace to any member acting contrary to the amendment. The third proposal represented a compromise between the above. It omitted sanctions altogether and required incorporation of the Hague and Montreal conventions *if* the amendment *and* the two conventions were ratified by two-thirds of the membership.[32]

[28] *Department of State Bulletin*, March 5, 1973, p. 261.
[29] *Ibid.*, p. 251. (Emphasis added.)
[30] *New York Times*, August 29, 1973, p. 74.
[31] Arthur W. Rovine, "The Contemporary International Attack on Terrorism," *Israel Yearbook on Human Rights*, Vol. 3, 1973, p. 21.
[32] Charles N. Brower, "Aircraft Hijacking and Sabotage: Initiative or Inertia?," in *Department of State Bulletin*, June 18, 1973, p. 874.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

The United States maintained that the amendment approach was not a timely response to the problem. Previous amendments had taken years before entering into effect due to the lengthy process of ratification. A State Department official warned, "Unless an independent convention is adopted . . . there will be no new international law measures to combat hijacking and sabotage for a period of five or ten years, if ever."[33]

The second blow to the U.S. plan came on August 10, 1973 — just two weeks before the conference. The Israelis, with an appallingly poor sense of timing, forced down a Lebanese commercial airliner in order to search for Palestinian guerrilla leaders suspected of being on board. Echoing the August 15 UN Security Council resolution condemning the Israeli action, Lebanon, supported by the entire Arab bloc, opened the conference with a demand that Israel be ousted from ICAO.[34]

For the United States, it was now evident that ICAO would not promulgate further enforcement provisions, and it was possible that the Arabs might weaken the three multilateral conventions already agreed on. In addition, there was a real danger that Israel would be stripped of its ICAO membership. Paradoxically, the American delegation that had pressed for the conference with such forcefulness was now constrained to scuttle it. Although the United States did succeed through difficult diplomatic maneuvering in retaining Israel's membership, the conference adjourned without having adopted a single substantive addition to existing international legal machinery intended to deter terrorism.

Since the disappointing collapse of the Rome Conference, the United States has regarded the multilateral approach as closed. In 1974, Congress passed Public Law 93-366, entitled The Anti-Hijacking Act of 1974. This legislation authorizes the president to suspend air service to any foreign nation that he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Hague Convention, or that he determines is used as a base of operations or training by terrorists who attack aircraft. Further, the act authorizes the secretary of transportation, with the approval of the secretary of state, to revoke the operating rights of foreign air carriers that fail to adhere to the standards and practices of ICAO for air transportation security. To date, this authority has not been exercised.

Analysis

The American effort to orchestrate the response to terrorism against international civil aviation was limited by a number of factors, from sovereign rights to legal and social norms — not to mention costs.

The Right of Asylum

The American response has contended consistently that hijacking must be regarded exclusively as a criminal matter. Endorsing U Thant's assertion that hijackings are crimes of a "totally different category" which must be judged for their "criminal character and not their political significance," Secretary of State Rogers declared, "Political passion, however deeply

[33] *Ibid.*, p. 875.
[34] *New York Times*, August 29, 1973, p. 74.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

held, cannot be justification for criminal violence against innocent persons."[35] A Department of State official had said earlier, "We have concluded that the hijacker of a commercial airliner carrying passengers should be returned regardless of any claim that he was fleeing from political persecution."[36]

The U.S. argument for mandatory extradition or prosecution was rebuffed by three counterarguments. First, the United States seemed to be adhering to a double standard, since it has historically welcomed those fleeing from political repression. Critics of the American position could not believe that Washington would return all political refugees who reached the United States via hijacking. Second, the threat posed by hijacking did not warrant surrendering the sovereign right to confer asylum in any and all cases. And third, for many Third World states, political terrorism is the "last resort" for militarily powerless peoples in their struggle against colonialism or imperialism.

The U.S. error was one of extremism. As noted by John McMahon:

> . . . if an international agreement requiring extradition or prosecution is to function in deterring the forcible diversion of aircraft, it must be a compromise between the preservation of the state's right to grant refuge to individuals who flee from prosecution and the need to discourage hijackers.[37]

Too liberal a position on asylum will not stop hijacking, McMahon says, while too strict a requirement for extradition will be unacceptable to most states.

The parable of the sun, the wind and the man in the coat comes to mind. At ICAO, the United States acted like the wind, trying to force the Arab states into agreeing to punish all hijackers — to no avail. Then, like the more subtle approach taken by the sun, the Arab states themselves realized that the dilemma could be avoided simply by blocking their runways and denying hijacked aircraft permission to land. This quiet revolution in policy was perhaps the single most decisive advance in dealing with the problem of sanctuary.

Does the Threat of Punishment Deter?

The U.S. effort to eliminate "safe havens" was based on the assumption that once the terrorists knew they would be prosecuted in all cases, terrorism would stop. This presumption ignores two realities. First, in many cases terrorists are so fanatically dedicated to their cause that they are fully prepared to accept capture. The second reality facilitates this inclination: imprisonment of terrorists occasions follow-on terrorist action to free those in jail. The vast majority of terrorists imprisoned during this decade are now free. One commentator suggested the probable necessity of an international prison to protect states from terrorist blackmail.[38]

Inadequate Support of Foreign Technical Prevention Programs

While the United States has led the world in its utilization and support of technical security measures, it could do more. The

[35] William Rogers, "A World Free from Violence," *Department of State Bulletin*, October 16, 1972, p. 429. The assertion by U Thant is from the *New York Times*, September 15, 1970, p. 17.

[36] *Department of State Bulletin*, March 10, 1969, p. 213.

[37] John P. McMahon, "Air Hijacking: Extradition as a Deterrent," *Georgetown Law Journal*, June 1970, p. 1150.

[38] Chester L. Smith, "The Probable Necessity of an International Prison in Solving Aircraft Hijacking," *International Lawyer*, April 1971, p. 274.

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

issue is one of cost. Although a share of the cost can be passed on to travelers in the form of surcharges on air fare, the initial capital investment in large-scale technical security systems requires special financing.

In this regard, the United States has been stingy. With few exceptions, it demands full reimbursement for services rendered, including the salaries of experts loaned to foreign countries to survey aviation security systems at their major airports. What is needed are financial initiatives, manifested in direct grants or loans or a special ICAO Technical Assistance Fund to aid member states in installing effective security systems.

The willing participation of a large number of countries in present U.S. technical prevention assistance programs demonstrates their genuine interest in protecting civil aviation. As of 1975, eleven governments had requested inspection of their aviation security systems by FAA experts; representatives of seventeen nations had attended the Department of Transportation Aviation Security Training Course in Oklahoma City; and more than fifty countries had received audio-visual programs on such subjects as explosives security and in-flight hijacking defense tactics.[39] Among the participating states are many generally regarded as sympathetic to terrorists: for example, Syria, Jordan, Egypt, France and Saudi Arabia. In addition, through the State Department's Bilateral Air Transportation Security Information program, the United States consults with all foreign governments and foreign air carriers on the full range of anti-hijacking techniques.[40] Thus, the United States has laid the foundation for international cooperation in the technical prevention field; with a more farsighted policy, the cost of worldwide security could be met.

The Costs and Appropriateness of Intelligence Operations

Aggressive intelligence operations can effectively pre-empt terrorist attacks; however, there are limitations to this method of counterterrorism. The first is cost. It is extremely expensive to maintain surveillance of all known or suspected terrorists. After the massacre at the Munich Olympic Games in 1972, the United States established an extensive surveillance-and-screening program designed to intercept terrorists before they could enter the country.[41] Although the State Department had been pleased with the results of the program, it scrapped Operation Boulder in March 1975. The coordinator for combating terrorism explained that the program had not been "cost effective."[42]

A second problem is that of scope. Contemporary terrorism is transnational in character. Mass communications allow terrorists on one continent instant access to information and ideas relating to successful terrorist tactics on another continent. Often, states are attacked "by proxy": terrorist organizations may employ "foreign" agents in a particular operation or obtain weapons from yet another foreign source. As a consequence, counterterrorist agents must demonstrate an equal facility in crossing international boundaries. Agencies such as Interpol provide a valuable clearinghouse for information regarding terrorist activities.

The final restraint on intelligence operations is that of legal and social norms. I.M.H. Smart comments:

[39] DOT/FAA (ASE-5), "U.S. Assistance to Other Nations," 1/3/75.
[40] Department of State AIRGRAM, A-1288, "Exchange of Information on Anti-Hijacking Techniques," February 12, 1973.
[41] *New York Times*, April 24, 1975, p. 7.
[42] *Ibid.*

Approved for Release: 2018/10/01 C02604801

Approved for Release: 2018/10/01 C02604801

Government in a democracy is expected to conform, in its behavior, to the general norms of the society. Thus, a democratic government which persistently adopts violent means of responding to terrorism . . . may achieve local success in the short term, but at the longer term expense of providing other groups within the society with a basis for claiming to use violence legitimately in their own interest.[43]

As has been demonstrated by the recent exposés of the CIA, democratic societies may determine that illegal or unconscionable activity by intelligence agencies poses a threat greater in the long run than that of the agencies' targets.

Conclusion

This review has shown that the American effort to stop attacks on civil aircraft was in no way perfect. The government's recognition that mandatory electronic screening was necessary came far too late. The American contention that states should relinquish their right to grant political asylum in cases of aerial hijacking was rejected by the international community. The attempt to obtain an enforcement convention turned into a diplomatic fiasco.

Yet, all in all, it worked. Today, hijackings are out of the headlines. The public now is aroused only when it is suggested that security measures be dismantled. The frequency of hijacking attempts has declined to acceptable levels.

To some extent, hijacking declined of its own accord. Terrorists increasingly had to compete with the hijacker "who commits the crime simply to get his name into the newspapers or television, in a last desperate effort to become someone."[44] A saturation of media coverage led to public apathy, robbing the terrorist act of its publicity effect. Finally, the UN General Assembly's acceptance of the PLO as a legitimate entity compelled the guerrillas to act in accordance with a new code of responsibility. On January 29, 1975, the PLO announced that it had decided to treat hijackings as crimes and execute any hijacker whose actions led to loss of life.[45]

Nonetheless, these influences were minor compared with the myriad countermeasures arrayed by the international community against the terrorist, even though they were not always coordinated or in line with the American plan. Often, actions taken unilaterally by states benefited the community at large. For example, when Iran executed a political dissident who had hijacked a *domestic* flight, it served notice on terrorists everywhere that Iran was not a promising place to start or end a hijacking. Some states ceased to provide sanctuary to hijackers after they learned that the terrorists could prove to be a nuisance or embarrassment. States that secured their airports in order to protect their national airline also protected foreign carriers. Without the "push" provided by the United States at home and abroad, however, it is probable that international civil aviation would still be imperiled.

The price of future aviation security is constant vigilance; defenses cannot be relaxed. At best, though, these defenses can succeed only in diverting the terrorists to other targets. Without a fundamental resolution of the rivalries, strife and injustices that spawn terrorism, the future promises recurring violence. In the case of international civil aviation, the United States won one battle, but the war with terrorism goes on.

[43] Smart, p. 230.

[44] Roberta Wohlstetter, "Kidnapping to Win Friends and Influence People," *Survey*, Autumn 1974, pp. 39-40.

[45] *New York Times*, January 30, 1975, p. 1.

Approved for Release: 2018/10/01 C02604801